

DFWMM Holdings LLC - 17-11413 - 7-19-19

UNITED STATES BANKRUPTCY COURT

MIDDLE DISTRICT OF NORTH CAROLINA

DFWMM HOLDINGS LLC v .Adversary Case 18-02010  
RICHMOND ET AL. .Lead Case No. 17-11413  
.Greensboro, NC  
. . . . . July 19, 2019

BEFORE THE HONORABLE CATHARINE R. ARON  
UNITED STATES BANKRUPTCY JUDGE

[21] Validity, priority of extent of lien or  
other interest in property

[41] Objection/revocation of discharge -  
727(c) (d) (e)

[62] Dischargeability - 523(a) (2), false  
pretenses, false representation, actual fraud

[68] Dischargeability - 523(a) (6), willful and  
malicious injury

APPEARANCES:

For DFWMM Holdings, Inc,  
ROBERT E. FIELDS III

Plaintiff:  
SAMUEL PINERO II  
Oak City Law LLP  
702 North Blount Street  
Raleigh, NC 27604

For Bankruptcy Administrator:  
WILLIAM P. MILLER  
101 South Edgeworth Street  
Greensboro, NC 27401

For Proponent Federal Credit Union,  
DIRK W. SIEGMUND

Defendant:  
Ivey, McClellan, Gatton &  
Siegmund LLP  
100 S. Elm Street  
Suite 500  
P.O. Box 3324  
Greensboro, NC 27402

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For Dennis Richmond,  
KENNETH M. JOHNSON  
Defendant: 701 E. Market Street  
P.O. Box 21247  
Greensboro, NC 27420

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THE COURT CLERK: DFWMM Holdings LLC versus Richmond. This is a trial to determine the dischargeability of debt and objection to discharge. (unintelligible) Pinero and for the defendants, Kenneth Johnson.

THE COURT: Good morning.

MR. SAMUEL PINERO: Good morning.

MR. DIRK SIEGMUND: Good morning, Your Honor.

MR. KENNETH JOHNSON: Good morning, Your Honor.

THE COURT: All right. Are there any preliminary matters that we need to address?

MR. JOHNSON: Yes, ma'am, there is, Your Honor. At two o'clock yesterday, I began a hearing that was scheduled to go for an hour and a half (unintelligible) utilizing your court room and at five o'clock when we had to be out, there were still three witnesses who had not been called, so that matter was supposed to resume this morning at nine thirty, but I begged off and I was scared that would be a little presumptuous since this matter is scheduled at nine thirty today, but what they did was scheduled at two o'clock (unintelligible). This matter is projected to last all day. (unintelligible) snag or a conflict, I wanted to

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bring that to the Court's attention. I would of course adhere to whatever the Court feels is best under those circumstances, but I just wanted to make you aware of this situation.

THE COURT: I mean is there a chance that we could finish by one thirty today if we just go straight through?

MR. JOHNSON: I would hope so.

THE COURT: All right. Will that give you -- Mr. Johnson, will that give you enough time?

MR. JOHNSON: Yes, ma'am. I can (unintelligible).

THE COURT: If we -- if we don't finish by one thirty, we'll -- we'll take a recess of this matter and then we'll have to schedule a day that we can conclude it --

MR. JOHNSON: That's fine.

THE COURT: -- but I'll be glad to go straight through until one thirty.

MR. JOHNSON: That's fine.

THE COURT: I don't want to rush anyone or take away anyone's opportunity. I'm just trying to -- I'm sure you've got people over there waiting.

MR. JOHNSON: There -- there will be -- well, as

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it turns out, they will be at one thirty. That's when I asked them to reassemble so we can have a little --

THE COURT: Okay.

MR. JOHNSON: -- two p.m. briefing.

THE COURT: All right. Let's just see what we can get done, but I don't want anyone to feel rushed. Okay?

MR. PINERO: Thank you, Your Honor.

THE COURT: Opening statements? Do you want to have them? It's up -- it's entirely up to you.

MR. PINERO: Your Honor, I don't know that that's necessary.

THE COURT: Okay.

MR. PINERO: There's only two little issues here and we can go through those.

THE COURT: All right. Then we will proceed.

MR. PINERO: All right.

THE COURT: Thank you.

MR. PINERO: Your Honor, we'd like to call Dennis Richmond to the stand.

THE COURT: Sir, if you could come up please. You're going to be placed under oath. You may take the oath by affirming or swearing upon the bible. Do

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2 you wish to swear or affirm?

3 MR. DENNIS RICHMOND: Affirm.

4 THE COURT: Raise your right hand please? Just  
5 raise your right hand. Do you solemnly affirm the  
6 testimony you're about to give in this proceeding  
7 shall be the truth, the whole truth, and nothing but  
8 the truth this your solemn affirmation?

9 MR. RICHMOND: Yes.

10 THE WITNESS; DENNIS RICHMOND; Sworn.

11 THE WITNESS: Yes.

12 THE COURT: You can take the witness stand.

13 MR. PINERO: Your Honor, if I may, I have  
14 notebooks with exhibits in them. May I approach?

15 THE COURT: Yes.

16 MR. PINERO:

17 DIRECT EXAMINATION

18 BY MR. PINERO:

19 Q. Mr. Richmond, can you state your name and  
20 address for the record?

21 A. Dennis Richmond. (unintelligible).

22 THE COURT: Sir, please speak into the  
23 microphone please.

24 A. (Cont'g) 338 Baldwin Road, Burlington.

25 BY MR. PINERO: (Cont'g)

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Q. Okay. Mr. Richmond, do you live there alone?

A. Yes.

Q. And what's your occupation?

A. Truck driver.

Q. Do you have your own business?

A. Yes.

Q. Do you know where Marian Jones-Richmond is?

A. No, I don't.

Q. Do you know where she lives?

A. No, I don't.

Q. When was the last time you spoke to her?

A. I don't know.

Q. Was it in the last month?

A. I don't know. I don't remember.

Q. Was it over a year ago?

A. I don't remember.

Q. Can you turn to tab one of the notebook I gave you? I'm going to represent to you that this is a copy of -- a true copy of some -- a file at the clerk of Superior Court, Seventeen C.V.S. one sixty-five. Are you familiar with that case?

A. I think I might need you -- someone needs to show me what page you're on because I'm looking at

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2 page one and I didn't see what you just spoke.

3 MR. PINERO: If I may approach the witness, Your  
4 Honor?

5 THE COURT: Yes, you can.

6 A. Do I remember it?

7 BY MR. PINERO: (Cont'g)

8 Q. Yes, do you remember that case?

9 A. No, I don't.

10 Q. Turn -- turn to the second page. It says  
11 doc twenty-seven dash one.

12 A. Yes, I see that.

13 Q. Do you recognize this order?

14 A. I don't remember.

15 Q. Well, Mr. Richmond, you -- you were  
16 involved in two different lawsuits against -- one  
17 against the Estate of Flora Jones and one against  
18 DFWMM. Do you remember -- recall those two lawsuits?

19 A. No, I don't -- I don't -- I don't remember.  
20 I -- I don't know.

21 THE COURT: Sir, I'd like to remind you that you  
22 are under oath --

23 THE WITNESS: Yes, ma'am.

24 THE COURT: -- and I'd like for you to -- to use  
25 the best of your ability to recall events.



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THE WITNESS: I -- I don't know -- what -- what I'm saying, I don't -- I don't know the law as well to say --.

THE COURT: He's not asking you about what the law is. He's -- he's asking you if you remember or if you've seen this order before.

THE WITNESS: I can't -- I can't remember that I've seen this order. I don't remember.

BY MR. PINERO: (Cont'g)

Q. Well, Mr. Richmond, let's talk about what you do remember. Do you remember a lawsuit against you personally by the Estate of Flora Jones back in 2013?

A. A lawsuit against me for what?

Q. For fraudulent transfer.

A. Fraudulent transfer? I don't remember.

Q. Do you recall that your wife was sued for rents and that you came in and testified that she paid you to mow the lawn for years and years -- do you recall that?

A. I think so.

Q. And do you recall us getting -- suing you saying that those transfers that she gave to you were fraudulent?

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A. Okay. May I -- okay. I do remember that Bob Hossel was their (unintelligible) and he told the Court that that was no credibility that I was paid and the invoices that you had said there was not receipts. I do remember that, but you said that it was not receipts and on the invoice was -- I think it was forty-four thousand, but you said that there was nothing received, and Bob Hossel told the Court that there was no credibility that Dennis Richmond was paid.

Q. So are you saying that Bob Hossel said that you were lying?

A. I'm saying that Bob Hossel said that there was no credibility that Dennis was paid. He told the Court that and as well as you said that the invoices was not receipts.

Q. Mr. Richmond, didn't you testify that you were paid in that lawsuit?

A. I don't -- I don't remember, but I do remember that Bob Hossel said and what you said.

Q. Were you -- were you paid by your wife monies to mow the lawn?

A. I was paid.

Q. And you testified that you were paid.

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Correct?

A. (unintelligible). I was paid.

Q. But you testified that you were paid?

A. I was paid.

Q. That's a yes?

A. Yes, I was paid.

Q. And the referee, Bob Hossel, you mentioned  
Bob Hossel, he's the referee in that case?

A. Yes.

Q. And he found that you were not credible?

A. Credible.

Q. Okay.

A. And you as well said the invoices was not  
receipts.

Q. And then we filed a lawsuit thirteen C.V.S.  
thirteen twenty-one, Kathy Laverne Pinero versus  
Dennis Richmond. Do you recall that lawsuit in 2013?

A. No.

Q. Can you turn to tab three? Can you look at  
that first page on that tab, does this refresh your  
recollection about this lawsuit?

A. (unintelligible).

MR. PINERO: If I may approach the witness, Your  
Honor?

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2 THE COURT: Yes, sir.

3 BY MR. PINERO: (Cont'g)

4 Q. Does that page in front of you refresh your  
5 recollection about this lawsuit filed against you?

6 A. (unintelligible).

7 Q. Okay. Can you turn to the next page and  
8 it's -- on the top it says doc twenty-seven dash  
9 three, do you recall getting this summons?

10 A. I -- I'm looking at dash twenty-seven dash  
11 two.

12 Q. I apologize. Doc twenty-seven dash three,  
13 page two of sixty-two. Is that what it says at the  
14 top?

15 A. Yeah, I think dash twenty-seven dash two.

16 Q. Do you recall getting that civil summons?

17 A. It's not -- no.

18 MR. PINERO: May I approach the witness, Your  
19 Honor?

20 THE COURT: Yes.

21 BY MR. PINERO: (Cont'g)

22 Q. Can you look at that document, dash twenty-  
23 seven -- let me see, doc twenty-seven dash three,  
24 page two of sixty-two? Do you recall getting that  
25 civil summons?

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2 A. No.

3 Q. I'm sorry. I didn't hear you.

4 A. No, I don't.

5 Q. Okay. But you were served, and you lost  
6 this lawsuit. Correct?

7 A. I -- something that I remember is that it  
8 was said that I redacted my social security number --  
9 redacted or something and I think that's if I can  
10 remember that, that's what happened, saying that I  
11 redacted my social security number.

12 Q. And you recall participating in this  
13 lawsuit?

14 A. I think -- yes.

15 Q. And if you can go to tab two, the first  
16 page on tab two, go to page two of that tab and this  
17 is a lawsuit against your wife. Correct?

18 A. I don't know what page you're talking  
19 about.

20 MR. PINERO: May I approach, Your Honor?

21 THE COURT: Yes. Mr. Richmond --

22 THE WITNESS: Yes, ma'am.

23 THE COURT: -- are you -- are you on page two of  
24 that order?

25 THE WITNESS: Yes, ma'am.

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THE COURT: Can you read the first paragraph please?

THE WITNESS: This cause comes before the Court (unintelligible) notice at November 6, 2017 (unintelligible) session.

THE COURT: That's fine. That's fine. That's all I need. Thank you.

BY MR. PINERO: (Cont'g)

Q. You appeared for this order. Correct?

A. I -- I don't -- it's been -- I don't know.

Q. The second sentence says plaintiff's counsel and Dennis Richmond appear. Is that right?

A. I don't see that. I see plaintiff, Dennis Richmond, appeared -- defendant failed to appear.

Q. Yes, and the defendant is your wife. Correct?

A. Yes.

Q. Okay. So this is the -- I'm going to represent to you that this is the first lawsuit that was filed against your wife for what we allege was -- what my clients allege was taking some property, two pieces of real property, renting it, and then keeping the money. Do you remember that lawsuit?

A. No, I wasn't even a part of a lawsuit.

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2 Q. But you appeared in that lawsuit. Right?

3 A. I appeared there, but I wasn't a part of  
4 it. I wasn't.

5 Q. Okay. But do you --?

6 A. There was some kind of way that you all  
7 drug me in it. I wasn't -- I wasn't a part of it.

8 Q. But do you recall that lawsuit?

9 A. I think I remember, but I wasn't a part of  
10 it because I had my property (unintelligible).

11 Q. Okay. So in that lawsuit, do you recall  
12 testifying to receiving funds from Marian Jones-  
13 Richmond?

14 A. For what?

15 Q. For mowing the lawn.

16 A. I just answered that question.

17 Q. So that's a yes?

18 A. I just answered it before when you asked me  
19 had I -- was I paid.

20 THE COURT: Sir, I need you to answer the  
21 question please.

22 A. Yes.

23 BY MR. PINERO: (Cont'g)

24 Q. Yes. And then that lawsuit resulted in the  
25 other lawsuit that -- and the Court found that you --

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that your wife gave you that money fraudulently to keep it away from her creditors. Didn't -- didn't -- ?

A. No, no, sir, no, no.

Q. The -- the Court didn't find that?

A. I don't know if the Court found it or not, but that was -- that wasn't the case. She didn't give me any money to -- I just got paid for mowing the yard.

Q. Okay. Then after that happened, my client received orders to get some of your wife's property - - personal property. Correct? Do you remember that?

A. I think so.

Q. And when we tried to get your wife's property, you said it was your property and you wouldn't -- you wouldn't hand it over. Isn't that right?

A. It was my property.

Q. Okay. But it's correct that you wouldn't let us collect that property?

A. I told the Court, Judge Orlando Hudson I think is his name, (unintelligible), I think that's what it was. That property was mine as I said before I owned the property before (unintelligible). I



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2 owned that property.

3 Q. So --?

4 A. So there was no way that the property was  
5 hers. It was mine. It belonged to me. It was the  
6 way that you all did it and I -- and like I said  
7 before, I don't know the law. I don't know how you  
8 did it, but -- but you did it. That's what happened.

9 Q. And -- and you agreed to hand over that  
10 property prior to the entry of this order that you're  
11 looking at here?

12 A. I don't know. I don't know if -- prior to  
13 this one, I don't know. All I know is that I told  
14 Judge Orlando Hudson for you to come and get it.

15 Q. Isn't that the judge that signed this  
16 order?

17 A. Who? Hudson?

18 Q. Yes, look at the next page.

19 A. Yeah, Judge -- that's when I told him for  
20 you to come and get it.

21 Q. But he also told you that we could come and  
22 get it. Correct?

23 A. Yeah, he told -- yeah, you supposed -- you  
24 was supposed to come and get it -- get the -- get the  
25 property. You came -- you send one -- one -- I don't

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know the guy's name that came there to pick it up.  
He didn't take it. I told him to get it, take it,  
wouldn't do it.

Q. Let's -- let's keep going to three pages in  
to page five of thirty-six and I'll help you find  
that.

MR. PINERO: If I may approach, Your Honor, the  
witness?

THE COURT: Yes, sir.

BY MR. PINERO: (Cont'g)

Q. Do you recognize that order on page four?

UNIDENTIFIED MALE: I'm sorry. Can you repeat  
that page please?

MR. PINERO: It's page four of thirty-six of doc  
twenty-seven dash two. It's under tab two.

UNIDENTIFIED MALE: All right. Let -- let me  
make a suggestion that might make this go a little  
smoother. If you would use the page number, the tab  
of course, but the page number in the lower right-  
hand corner, it probably will help us all to keep --  
keep up with this especially (unintelligible).

MR. PINERO: Okay. I was trying to use the --  
the document numbers for the judge.

UNIDENTIFIED MALE: No, the document number is -

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2 - is fine, but I'd say more consistently --.

3 MR. PINERO: It also says Plaintiff's Four at  
4 the bottom.

5 BY MR. PINERO: (Cont'g)

6 Q. Do you recognize that order?

7 A. No, I don't because when this was going on,  
8 I was not looking at these papers. I wasn't.

9 Q. And the fourth paragraph down it talks  
10 about the live testimony of her husband, Dennis  
11 Richmond. Do you see that?

12 A. On the same page?

13 Q. Yes.

14 A. I don't remember.

15 Q. But do you see it on the page that it says  
16 that you were there -- that you testified?

17 A. (unintelligible).

18 Q. Was that a yes?

19 A. I don't -- I'm not -- I'm not sure because  
20 like I said it's been so long, I mean I -- I been on  
21 my medication.

22 Q. Are you on -- on some medication now that  
23 would affect your ability to testify here today?

24 A. No. No, I'm not now.

25 Q. What kind of medication are you on?

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A. I'm taking a -- I can't think of the name of it.

Q. What's it treat?

A. Post-Traumatic Stress -- P.T.S.D. and that was -- that was -- it was brought to the Court's attention when we was in court. I had -- it was -- it was an order from the doctor.

Q. When you say you're on medication, what -- what do you mean? Is that affecting your recollection?

A. I don't -- I don't -- at the particular time, when I was on the medication, I don't -- I don't -- I don't remember because I just don't -- I don't remember this. All I know is I wasn't doing the reading of this. I wasn't taking this. This here was something that was during -- when my wife and I was together. I don't -- I wasn't looking at this.

Q. Okay.

A. She was the one that was doing this not -- not me.

Q. Okay. Is it affecting your -- is the medication affecting your recollection or is it -- what did it affect your testimony then?

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A. At that particular time, I don't know because the doctor had given me -- had given me a note to give to the judge and he -- he disregarded it.

Q. Okay. Can you turn to the next page? It says plaintiff's zero zero zero zero zero five. On the bottom is doc twenty-seven dash two page five of thirty-six?

A. Okay.

Q. Paragraph four, the second paragraph down is numbered four. Are we on the same paragraph?

A. Okay. Do you want to read it?

Q. Does that say the Stevens' Order found there is evidence of record of concerted action by defendant and her husband to hinder and delay her creditors?

A. That's what it says.

Q. And that defendant's noncompliance is willful, deliberate, intentional, and with a bad faith disregard for the authority of this court and the law. Correct?

A. I don't understand that.

Q. Do you understand that the defendant is your wife, Marian Jones-Richmond?

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A. Yes.

Q. Do you understand that her husband is you?

A. Yes, and she was my wife.

Q. Can you move to the -- go to the next page?

Paragraph number twelve is the fourth full paragraph down. It starts out Judge Stevens' order. Are you there on that paragraph? The court notes that there is evidence of record of concerted action by defendant and her husband to hinder and delay her creditors including a judgment against Dennis Richmond in Alamance County Superior Court, case number thirteen C.V.S thirteen twenty-one, to recover funds fraudulently transferred to him by defendant to hinder her creditors. Did I read that right?

A. I don't have anything -- I didn't have anything to do with this.

Q. But I read that right?

A. I didn't have anything to do with it. I mean, you know, it was passed down. I didn't have anything to do with it and the way the Court did me, they did it that way. I didn't have anything to do with this lawsuit. I wasn't even part of it.

Q. And the --/

A. I live at 338 Baldwin Road. That's my --

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that's my property. This right here is over there on Day Street [phonetic spelling]. I don't live over there. This is the property your grandmother and auntie -- it's your people's property and you asked me about something that I don't even know anything about. The only thing that I did was mow the yard and all this other stuff that you got right here in front of me, I don't know anything about it. You asked me about this right here, I don't know. This -- this is your property. This is the -- this -- this is Lydia Leath property that you're asking me about.

When I was married to your aunt, you asked me was there money that she gave me? No, I worked for money. I worked for money and this is your property. This is your thing and you dragged me in it. That's what you did. You -- you feel you drug me into this saying that I was -- it was -- it was a fraudulent transaction, but it wasn't. You said it was forty-eight thousand dollars and it wasn't forty-eight thousand dollars. It was twenty-four thousand dollars on the invoices that I -- that we gave you that you said that was not receipts. It was twenty-four. Phil [phonetic spelling] said you know how the lawyers add up. We don't do it right. That's what

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he stated. That's what he said. He said that. It was twenty-four thousand on the invoices.

Q. In that paragraph, defendant is your wife. Correct?

A. Yes.

Q. And her husband you understand is you?

A. Yes, ma'am.

Q. And that Dennis -- judgment against Dennis Richmond is you. Right?

A. It's because the way you all had did it. I wasn't a part of it. You did it like this. You drug me in it and take my property.

Q. So that's a yes?

A. I don't know what you want to call it, but that's what you did.

Q. That Dennis Richmond is you?

A. This -- that's me.

Q. And then after -- at some point, your wife went to jail for failing to -- to give us some property. Correct?

A. I think so.

Q. And you helped get her out.

A. That's right.

Q. And you did that by signing a settlement



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agreement?

A. It was under duress.

Q. Why? Because your wife was in jail?

A. Because the property that you all wanted her to give away was my property and you all first put her in jail and that's how it happened. We was - I was under duress. She was under duress. She was in jail.

Q. What's that property that's your property?

A. 338 Baldwin Road.

Q. But this was personal property that she had to hand over. Correct?

A. My gun, my sword, my CB radio, other -- other things that belonged to me. They was -- they was mind.

Q. Any of your business equipment?

A. Yes.

Q. What?

A. I can't name them all, tools.

Q. What else?

A. I can't name them all. I don't know.

Q. Big lawn mower?

A. Yes.

Q. Was it -- was it a good lawn mower? What

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kind of lawn mower was it?

A. I don't know. It's been so long.

Q. Do you still have it?

A. No.

Q. Well, what happened to the lawn mower?

A. I don't know. We had a flood. It got flooded and it's been towed once or twice.

Q. It was a ride on lawn mower?

A. Push.

Q. Didn't you also have a ride on lawn mower?

A. Yes.

Q. And was that for your business?

A. Yes.

Q. And where's that ride on lawn mower?

A. It's still there.

Q. It's still at your house?

A. Yeah.

Q. How much is that worth?

A. I don't know. I don't know.

Q. If you had to buy one, how much would it cost?

A. I don't know.

Q. How big is it?

A. I don't know.

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2 Q. What kind of jobs do you take it on? What  
3 kind of jobs?

4 A. I don't take it on jobs.

5 Q. You said it's for your business -- the ride  
6 on lawn mower?

7 A. I meant my property.

8 Q. You -- I'm sorry. You -- can you say that  
9 again?

10 A. I was mowing my property with it and I was  
11 mowing the property with it. It's the one that  
12 you're speaking about over on Day Street.

13 Q. And it's -- it's an industrial sized lawn  
14 mower?

15 A. I'm not sure. You took pictures of it.

16 Q. How many guns do you have?

17 A. I'm not sure.

18 Q. More than two?

19 A. Maybe.

20 Q. Any big tool -- other kind of equipment  
21 that you use for your business?

22 A. (unintelligible).

23 Q. Big air compressor, do you have one of  
24 those?

25 A. Uh-huh.

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2 Q. Is that a yes?

3 A. Marriage property.

4 Q. And is that used for your business?

5 A. Yes.

6 THE COURT: Sir, how do you use an air  
7 compressor in your business? I thought you were a  
8 trucker?

9 THE WITNESS: I am a trucker. I don't know why  
10 he had to (unintelligible).

11 THE COURT: How do you use an air compressor as  
12 a trucker?

13 THE WITNESS: Okay. If my tires go flat and I  
14 need to take it up, I use the -- I reach to take it  
15 out and put air in the tires.

16 BY MR. PINERO: (Cont'g)

17 Q. You still have the guns at your house?

18 A. Yes.

19 Q. Do you still have the tools -- the air  
20 compressor?

21 A. Yes.

22 Q. How about the other tools that you use for  
23 your business? Do you still have all of them at your  
24 house?

25 A. I don't know what you're talking about --

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other tools.

Q. You said you had tools and a CB radio and a sword.

A. Yes.

Q. So the tools that you just mentioned, do you have them at your house?

A. They in my truck. I told you that I got flooded. A lot of the stuff got washed away.

Q. Mr. Richmond, can you turn to tab eight? And on tab eight, I'll probably help you, but we're going to go down to page thirteen of fifty-three on the top. It's doc one, page thirteen of fifty-three. Let me see if I can --.

MR. PINERO: If I may approach, Your Honor?

THE COURT: Yes.

UNIDENTIFIED MALE: You said doc one --?

BY MR. PINERO: (Cont'g)

Q. Mr. Richmond, is this from your petition for bankruptcy?

A. (unintelligible).

Q. And do you see the number ten -- the top sentence?

A. Yeah.

Q. And that says firearms and you checked no.

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Is that correct?

A. I didn't check it.

Q. Can you go to the next page and that says page fifteen of fifty-three of doc one of your petition?

A. Okay. What --?

Q. It's the next page.

MR. PINERO: May I approach the witness, Your Honor?

THE COURT: Yes.

A. Okay. I have it.

BY MR. PINERO: (Cont'g)

Q. And number thirty-seven, do you own or have any legal or equitable interest in any business-related property, and you checked no. Isn't that right?

A. I don't -- I don't remember this.

Q. But you do have interest in business related property. Correct?

A. I don't (unintelligible) business related property.

Q. Property that you use for your business.

A. Like what?

THE COURT: Sir, you don't get to ask him

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questions. He gets to ask them of you.

THE WITNESS: Okay. I don't know what he's speaking about business related property.

BY MR. PINERO: (Cont'g)

Q. If you can go to tab one and it's on the bottom right corner, it says plaintiff zero zero zero one one zero and it -- on the top it's page twelve of twenty-seven. Are you at that page?

MR. PINERO: If I may approach the witness, Your Honor?

THE COURT: Yes.

BY MR. PINERO: (Cont'g)

Q. Do you recognize this document? Is that your handwriting on it?

A. I don't know.

Q. Can you go back to page one o seven, one o nine, one o eight, one o seven? And is that -- does that document say Motion to Claim Exempt Property at the top? Is that a yes?

A. That's what it says Motion to Claim Exemption.

Q. Yes. Is this your Motion to Claim Exemption that you filed in this case?

A. Like I said before, I don't know anything,

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you know, I don't know.

Q. Okay. Go to page one o nine, two pages forward. Is that your signature on that page?

A. Yeah, it look like it.

Q. It does look like it?

A. Uh-huh.

Q. Twice signed?

A. No. No, this is not my handwriting.

Q. So whose handwriting is that?

A. I don't know.

Q. That -- that's not your signature there?

A. It doesn't look like it.

Q. Can you go forward to page one seventeen?  
And is your signature on that page?

A. It's my name, but I don't know if it's my signature without -- I don't think I write my name like that.

Q. It's notarized. Correct?

A. Yes.

Q. Going back to page one o seven, this -- I'm going to represent to you that this is a Motion to Claim Exempt Property that was filed in the lawsuit seventeen C.V.S. one sixty-five against you and your wife and it purports to be signed by you.



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2 A. Page one o what?

3 Q. One o seven and on page one ten --

4 Plaintiff one ten, so go forward three pages. You  
5 list two thousand dollars' worth of equipment there  
6 for your business. Is that correct?

7 A. That's what it says.

8 Q. Can you go forward to page one fourteen --  
9 Plaintiff one fourteen which is doc twenty-seven on  
10 page sixteen of twenty-seven?

11 A. Hold on. You said there was -- you said on  
12 the property did I claim how much? On page one ten?  
13 Go back to one ten.

14 Q. You claimed two thousand dollars under  
15 paragraph ten worth of business property. Correct?

16 A. Not two thousand -- like two hundred. I  
17 mean I don't even see (unintelligible).

18 Q. Let's -- let's move on to page one one  
19 four, Plaintiff's one one four. That's forward four  
20 pages. And this was attached to your motion to claim  
21 exempt property. Correct?

22 A. I don't know.

23 Q. The John Deere lawn mower that's listed  
24 there, it's the fourth -- fifth item down, is that  
25 the ride on mower?

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2 A. I see it here.

3 Q. Is that the ride on mower?

4 A. Is it the riding lawn mower?

5 Q. The ride on mower?

6 A. Yeah.

7 Q. Is that used for your business?

8 A. Yeah.

9 Q. The welding machine with helmet. Is that  
10 used for your business?

11 A. Yes.

12 Q. Do you still have it?

13 A. Yes.

14 Q. Do you still have the ride on mower?

15 A. I -- yes.

16 Q. And those handguns?

17 A. Yes.

18 Q. You still have those? The hand tools, is  
19 that used for your business?

20 A. Yes.

21 Q. How about that circular saw?

22 A. Yes.

23 Q. Tile cutter? Was it used for your  
24 business?

25 A. Yes.

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2 Q. Electric drill? Was that for your  
3 business?

4 A. Yes.

5 Q. Electric jig saw?

6 A. Uh-huh.

7 Q. For your business? Table saw for your  
8 business?

9 A. Uh-huh.

10 Q. Handsaw is for your business?

11 A. I don't use the table saw for my business,  
12 but I -- I use my table saw when I was doing --  
13 building around my house.

14 Q. Okay. So it's not a business?

15 A. I used a -- I used a table saw when I was -  
16 - when I was remodeling my house. I used a jig saw  
17 to -- to cut wood with.

18 Q. Do you --?

19 A. I used the tile saw to put down tile, so  
20 the tile -- the tile is not used for the -- for --  
21 for the trucking business.

22 Q. Do you still have all that?

23 A. I -- we spoke about it. I said I had a  
24 flood and it got flooded. All my property -- the  
25 majority of my property got ruined in the flood.

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2 Q. So after your wife -- let's go back to your  
3 wife going to jail. You then made an agreement with  
4 her creditors. Correct?

5 A. No, I didn't make an agreement. You all  
6 made the agreement. You all came up with the -- with  
7 the promissory note and had on it that it was a loan.

8 Q. But you signed it. Correct?

9 A. Yes.

10 Q. And that agreement was --.

11 A. Under duress.

12 Q. That agreement was to get your wife out of  
13 jail.

14 A. Under duress, yes.

15 Q. And do you remember --.

16 A. It was with (unintelligible) the way that  
17 it was.

18 Q. And so you agreed to give a deed to your  
19 house --

20 A. Under duress.

21 Q. -- to get your wife --

22 A. Under duress.

23 Q. -- under duress to get your wife out of  
24 jail?

25 A. Under duress.

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2 Q. And you had an attorney?

3 A. Under duress. I don't -- I don't know if I  
4 had an attorney, but we was in an attorney office --

5 Q. Yeah.

6 A. -- because we had already spoke to Phil  
7 about doing that and Phil said that he could force a  
8 foreclosure. That's what he said. He said I can  
9 force one. That's what he did -- that's what he  
10 said.

11 Q. Chris Watkins represented you when you  
12 signed that, didn't he?

13 A. I don't know if he was or not. I don't  
14 know. I just don't -- I don't -- I don't remember.  
15 He was at one point, but I don't remember if at that  
16 time he was. I don't -- I don't remember, but I do  
17 remember when Phil said that he could force a  
18 foreclosure.

19 THE WITNESS: May I say something, Your Honor?

20 THE COURT: He gets to ask you questions, sir.

21 THE WITNESS: Okay.

22 MR. PINERO: If I may approach the witness, Your  
23 Honor?

24 THE COURT: Yes, sir.

25 BY MR. PINERO: (Cont'g)

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Q. Can you turn to page two of that document and go to paragraph four? And read it to yourself and tell me if that refreshes your recollection about having a lawyer at that time.

A. I mean something like this, but she was thinking about the agreement -- my wife was in jail. She got out of jail. She was paying you nine hundred dollars a month and for nine months you said that you didn't receive no payment and that's when you -- the sheriff brought papers saying that we were in default. Nine months that you said that you didn't receive anything and you did not send no kind of notice saying that you hadn't received nine hundred dollars and when I go to the post office which you said that you went I think you said you went and said that the checks wasn't cashed and the lady at the -- at the office -- post office said that there was no way that you could get that kind of information unless you had some type of number and the one who could get that number was the one who purchased those money orders and those money orders was not -- was not cashed because my wife took the -- the stubs -- took it to the post office and then they sent the checks back uncashed and I don't see why a person

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would go nine months without letting a person know that they hadn't received any money and you said that they wasn't cashed and the only way that I could see that they wasn't cashed, you was holding them.

Q. Can you identify that document in front of you?

A. I don't -- like I said, I wasn't -- I wasn't reading this stuff when it was going through court. At the time, my wife was there.

Q. Is it a settlement agreement and covenant not to sue?

A. That's what it says.

Q. And that's your signature on there?

A. I don't know if it's mine or not.

MR. PINERO: If I may approach, Your Honor?

THE COURT: Yes, you may. Do you want these marked?

MR. PINERO: Yes.

THE COURT: Plaintiff's Exhibit One?

MR. PINERO: Yes.

BY MR. PINERO: (Cont'g)

Q. And that settlement agreement was so that we wouldn't execute on your wife's judgment. Isn't that right?

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A. I -- I don't -- like I said before I don't know. This -- this case -- like I said, this is your property. You come -- you -- you came up for my property, you know, and I don't know (unintelligible) because that's what happened.

Q. And then we filed -- we filed a lawsuit claiming -- after that we filed a lawsuit claiming that you had stopped paying. Isn't that right?

A. I don't -- when the -- when the sheriff was saying that we was in default.

Q. And that lawsuit ended -- we ended up winning that lawsuit. Correct?

A. I don't know if you did or not because at that particular time I think because an attorney and you said that -- and the attorney said that you said that you was going to call him to the witness stand so he withdraw from representing.

Q. Can you go under tab one please and go to the second page of the first tab?

A. One nine?

MR. PINERO: If I may approach the witness, Your Honor?

THE COURT: Yes, you may.

BY MR. PINERO: (Cont'g)



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Q. Plaintiff's one hundred doc twenty-seven one, page two of twenty-seven. Isn't this the order and judgment against you concerning the promissory note and security agreement?

A. I don't -- like I said I don't know. I wasn't looking at this. I wasn't reading this. I wasn't handling this. At that time, my wife was representing herself, so I don't know (unintelligible).

Q. The second line of that says present at the hearing were counsel for plaintiff, the defendants -- you're one of the defendants. Correct?

A. You said two?

Q. Let me start again. Scratch that. The second sentence of that order says present at the hearing were counsel for plaintiff, the defendants, and counsel for defendants.

A. (unintelligible).

Q. Isn't that right?

A. No. No, you're reading two?

Q. The second sentence.

MR. PINERO: If I may approach, Your Honor?

THE COURT: Yes, you may.

A. Right here?

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BY MR. PINERO: (Cont'g)

Q. Is that what that sentence says?

A. Yeah, that's what it says.

Q. And so you were a defendant in this case?

A. You all pulled me into something that I didn't -- I didn't know anything about it.

Q. And your wife was a defendant in this case?

A. She was the defendant. You pulled me into this. I didn't know anything about this. I didn't have anything to do with this lawsuit. Nothing.

Q. This lawsuit was because you signed an agreement. Right?

A. It was -- it was because -- all this come about after you all put my wife in jail, but I didn't have anything to do with this. I -- this is your property. You're coming after my property. I don't know anything about this. You're asking me about Lydia Leath's property. I don't know. I don't know. So, you know, I don't know about the property -- about the one on Day Street.

Q. So let's go to the next page, paragraph number -- with the number four on it. At those hearings, defendants contend that they mailed postal money orders for payment of the promissory note but

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acknowledge that the envelopes were addressed to Oak City Extortioners, a non-existent entity, and were mailed without including the zip code and the address. Is that right?

A. That's what it says.

Q. And you're one of the defendants. Right?

A. Yeah.

Q. Okay.

A. When we offered to give you the money that -- that the post office had sent back to us, you refused to take it. You said no, it's time to foreclose.

Q. Is that what that says here?

A. That's what you say -- that's what you said. You said at the -- at the (unintelligible), you said that.

THE COURT: Sir, let me understand -- make sure I understand. As a result of this settlement agreement and the covenant not to sue, that's when the promissory note was executed and the security agreement and we -- we had those in your pre-trial exhibits. Is that correct, but I don't know that this was one of your pre-trial exhibits?

MR. PINERO: This was not one of my pre-trial

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2 exhibits -- the settlement agreement.

3 THE COURT: All right. We -- we need to tag --  
4 I'll speak with counsel in the conference room.  
5 We'll take a recess for about ten minutes.

6 [Off the record]

7 THE COURT: Sir, I'd just like to remind you  
8 that you are still under oath.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Thank you.

11 BY MR. PINERO: (Cont'g)

12 Q. Mr. Richmond, do you own a Suzuki  
13 motorcycle?

14 A. No, sir.

15 Q. Have you ever owned --?

16 A. I don't own -- I don't own it, but it's in  
17 my name. I did it for a friend.

18 MR. JOHNSON: Objection, Your Honor. I think  
19 he's misidentified the asset.

20 THE WITNESS: Nope.

21 THE COURT: I'll overrule the objection.

22 MR. JOHNSON: All right.

23 BY MR. PINERO: (Cont'g)

24 Q. You own a Suzuki motorcycle?

25 A. No, sir.

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2 Q. Is there --.

3 A. I don't own it. I put it in my name for a  
4 friend (unintelligible) Suzuki motorcycle. It got  
5 stolen and I think that you got -- got something  
6 about it -- knew about it.

7 Q. When did it get stolen?

8 A. I don't -- I don't know when it was, but  
9 there's a -- it's a police record. They have --  
10 they have a record of it. I put the bike in my name  
11 for a friend.

12 Q. So did it get stolen before or after you  
13 declared bankruptcy?

14 A. I don't know how -- I don't know when it  
15 was. I don't know. I don't remember.

16 Q. But you have testified prior to this under  
17 oath that you own a Suzuki motorcycle. Isn't that  
18 correct?

19 A. No, I don't own it. I don't own it. I  
20 just put it in my name for a friend.

21 Q. But you have testified that you owned it?

22 A. No.

23 Q. Did you ever buy a Harley Davidson?

24 A. It's in my name. I don't ride the bike.

25 Q. Did you buy one?

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2 A. No, it was in my name. I don't ride a  
3 motorcycle. I did it for a friend.

4 Q. So if you said that you bought a Harley  
5 Davidson motorcycle, that would have been a lie?

6 A. I (unintelligible). I never said I bought  
7 a bike.

8 Q. You never said that.

9 A. No.

10 Q. Okay. Can you turn to tab five please? Do  
11 you recognize that document as the -- your -- the  
12 transcript of your deposition taken on May 17, 2017?

13 A. I (unintelligible). Is it one six eight?  
14 I don't --.

15 Q. It's number one sixty-eight on the bottom,  
16 document twenty-seven dash twenty, page one of sixty-  
17 one on the top.

18 A. Okay.

19 Q. Do you remember taking this deposition?

20 A. It was in Chris Watkins' office.

21 Q. Okay. Can you turn to page one eighty-  
22 seven -- Plaintiff's one eighty-seven under that same  
23 tab, doc twenty-seven dash seven page twenty of  
24 sixty-one?

25 A. Okay.

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Q. And you were under oath at this time.

Right?

A. Yes.

Q. Just like you are now?

A. Yes.

Q. And under oath, I asked you did you buy a Harley Davidson. You responded did I buy one?

Question, yes. Yes, I did. Question, what year?

Answer, what year did you buy it? Answer, this year.

Down to paragraph fourteen -- line fourteen, where

did you buy it? Winston. In Winston, from a dealer

or a private party? A dealer. Go to the next page,

do you remember how much you paid for that vehicle

under line seven and eight? Your answer was it was

twenty -- like about twenty-one or twenty-two.

Question, and you still have it. Correct? Answer,

that's correct. Thirteen, question, where do you

keep it at? Your House? Fourteen, A, sometimes.

That was your testimony then?

A. I never -- I never said that I bought a bike. I never -- I never said I bought a bike. I never said that I kept a bike at my home sometimes. I never made that statement.

Q. How much money did you make in 2016?

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2 A. I'm not sure what it was.

3 Q. Do -- can you estimate what your income  
4 was?

5 A. I don't -- I don't -- no, I don't got --.

6 Q. Do you know how much you reported to this  
7 court -- what your income was?

8 A. I -- if I had the paper, I could -- I could  
9 show you. I don't got what it was.

10 Q. What's your monthly income?

11 A. It varies.

12 Q. Okay. What do you estimate your monthly  
13 income over the course of 2017 was?

14 A. I don't know. I don't -- I don't know. I  
15 don't got it because it varies. I don't know. My  
16 work is -- it don't pay the same every year -- every  
17 day. It varies.

18 Q. But you recognize you're in a bankruptcy  
19 court and you have to be able to tell the Court what  
20 your income is. Correct?

21 A. Well, it's on -- it's on paper. I mean I  
22 gave you -- it's on paper. I don't know.

23 Q. So is your income what you put in the  
24 schedule?

25 A. It's on my -- it's on the paper. I don't -



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2 - I done forgot what it was. It was on my tax  
3 return.

4 Q. What was it on your tax return?

5 A. I don't -- I don't know. I done forgot.

6 Q. Have you ever lied about your income?

7 A. No.

8 Q. So I want you to -- on tab five,  
9 Plaintiff's one nine zero --.

10 A. These are one six eight?

11 Q. One nine zero.

12 A. I don't see a one nine zero.

13 MR. PINERO: Your Honor, if I may approach the  
14 witness?

15 THE COURT: Yes.

16 A. You said tab five? I don't see a one nine  
17 zero. I see one six eight.

18 BY MR. PINERO: (Cont'g)

19 Q. On line twenty, this is still your  
20 deposition. Correct?

21 A. Okay.

22 Q. Line twenty, your -- I asked you what did  
23 you claim your income was and your answer was it was  
24 about forty-nine thousand dollars give a little take  
25 a little. That's correct?

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2 A. Okay.

3 Q. Was that your income?

4 A. For that year?

5 Q. For -- yes, for 2016?

6 A. I -- I guess if -- if -- I mean I guess  
7 that's what it was if -- if it was that year, yes.

8 Q. Did your income go up or down from 2016 to  
9 2017?

10 A. It -- it has -- it can.

11 Q. No, scratch that. Did your income go up in  
12 2017?

13 A. I don't know if it did or not.

14 Q. Does it stay mostly steady?

15 A. No, I don't quite understand what you're  
16 saying because I just told you that my income varies  
17 and if it's for '16 forty-nine thousand, it's  
18 different each year. It's not the same every year.

19 Q. Okay. So what's your basis for saying  
20 forty-nine thousand here?

21 A. What -- no, what now?

22 Q. What's your basis for saying that you made  
23 forty-nine thousand dollars a year?

24 A. I don't quite understand what you're saying  
25 what's my basis of saying that?

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2 Q. Why did you say forty-nine thousand dollars  
3 a year?

4 A. If this -- that's on my -- that's what my  
5 tax return.

6 Q. Okay. And this was in 2017, right, that  
7 you claimed you made forty-nine thousand dollars a  
8 year?

9 A. If -- if that's on my tax return.

10 Q. I need you to go to tab four and  
11 Plaintiff's zero zero zero one two nine, that's four  
12 pages into that tab.

13 MR. PINERO: If I may approach, Your Honor?

14 THE COURT: Yes, sir.

15 BY MR. PINERO: (Cont'g)

16 Q. Mr. Richmond, is that your signature on  
17 that page?

18 A. (unintelligible).

19 Q. Is that a yes?

20 A. Yes.

21 Q. And can you identify that document?

22 A. Be a black Cadillac (unintelligible).

23 Q. And can -- is it a -- is it a credit  
24 application?

25 A. It look like a dealership application.

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2 Q. And this was when you were applying for  
3 credit to buy your Cadillac. Correct?

4 A. I'm not sure about this. I  
5 (unintelligible). My name is on it and --.

6 Q. Can you look at the surrounding documents  
7 on that tab? Maybe that will refresh your  
8 recollection about why you were applying for credit.

9 A. (unintelligible).

10 Q. Look at the other documents around that  
11 document. Does it refresh your recollection as to  
12 why you were applying for credit?

13 A. I just don't -- I know this was -- this was  
14 an application from Bill Black Chevrolet, but some of  
15 the stuff on here that I -- I just don't understand.  
16 I applied for credit, but there's (unintelligible)  
17 have it and --.

18 Q. It does have your date of birth. Doesn't  
19 it? It's blacked out. Right?

20 A. Yeah, it's blacked out, but what I'm saying  
21 I don't -- I mean, you know, I don't understand why  
22 it's being blacked out if I was applying for credit.

23 Q. Okay. And you signed this on March 10,  
24 2017?

25 A. That's what it says.

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2 Q. And this was to buy a ninety thousand-  
3 dollar Cadillac, wasn't it?

4 A. I don't remember if it was ninety thousand  
5 or not.

6 Q. Okay. Can you go back two pages and look  
7 at the bill of sale?

8 A. Okay.

9 Q. And is that -- is that your car, the  
10 Cadillac CT Six?

11 A. Yes.

12 Q. And you paid somewhere between sixty  
13 thousand and ninety thousand dollars for that car.  
14 Is that correct?

15 A. Not ninety thousand.

16 Q. But there's a number there, ninety thousand  
17 at the bottom. Isn't there?

18 A. I didn't pay that.

19 Q. How much did you pay?

20 A. I forgot. I don't have the -- the bill of  
21 -- the bill of sale. I done forgot.

22 Q. Isn't that the bill of sale in front of  
23 you?

24 A. I don't know if it's the same or not. I  
25 have (unintelligible) one that I have. I don't know

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2 if it's the same one. I don't know.

3 Q. So if you can't remember how much you paid,  
4 how -- how do you remember it's not ninety thousand  
5 dollars?

6 A. I know it wasn't that.

7 Q. Okay. Going back to page one twenty-nine  
8 on the bottom right corner, go forward two pages.  
9 What did you say your salary was there?

10 A. On here it says it's five thousand four  
11 hundred and sixteen dollars.

12 Q. Is that what you told them?

13 A. Huh?

14 Q. Is that what you told them your salary was?

15 A. This -- if it's on this paper right here.

16 Q. And that's your signature on there? Well,  
17 you've already answered that. Scratch that. And  
18 that's a monthly -- that's five thousand four hundred  
19 and sixteen dollars a month?

20 A. It don't say month right here. It just  
21 says salary.

22 Q. There's a check mark in monthly. Correct?

23 A. Yes, there's -- there's a check there, but  
24 it's --.

25 Q. Did you include in that five thousand four

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hundred and sixteen dollars, did you include your social security benefits?

A. I don't know if I did or not.

Q. Well, does it include your social security benefits?

A. Huh?

Q. Does it include your social security benefits?

A. I -- I don't know.

Q. But this was your income. Right?

A. It says salary.

Q. This was your salary. Right?

A. I don't -- I don't understand what you're saying. This was from a salary from what -- what would you -- what -- what are you saying? I mean --.

Q. That's what you paid --

A. I made --.

Q. -- that's what you paid yourself from your business?

A. I paid my bills.

Q. And you're applying for individual credit here, right? On that -- up at the top, you have crossed out individual credit and you -- and -- correct?

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2 A. Wait.

3 Q. You have a little X by individual credit?

4 A. On the same page?

5 Q. Yes.

6 A. What -- right hand corner?

7 Q. It's -- it's got a number on in front of it  
8 up at the top under instructions.

9 A. I don't see that.

10 Q. And there's also an X by if you're applying  
11 for individual credit in your name and relying on  
12 your own income and not the income or assets of  
13 another person as the basis of repayment of the  
14 credit requested, complete only section A and you  
15 completed section A. Right?

16 A. I don't see anything here that you -- on  
17 this page that you're talking about.

18 MR. PINERO: If I may approach the witness?

19 THE COURT: Yes, sir.

20 BY MR. PINERO: (Cont'g)

21 Q. Now do you see it on that page? The  
22 language --.

23 A. Yeah, I see it.

24 Q. And so this was -- this salary here is your  
25 income -- what you claimed your income was in March



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2 of 2017.

3 A. After my deduction, it's -- what it says my  
4 salary for what? A week? Month? I don't quite  
5 understand how you -- what you're speaking about.

6 MR. PINERO: If I may approach the witness?

7 THE COURT: Yes, sir.

8 BY MR. PINERO: (Cont'g)

9 Q. Do you see that part I highlighted?

10 A. Yes.

11 Q. Is it an X on monthly?

12 A. Yes.

13 Q. And so you understand that to mean it's  
14 five thousand four hundred and sixteen dollars  
15 monthly? Can you -- is that a yes?

16 A. Yes.

17 Q. And under other income monthly, it's blank.  
18 Correct?

19 MR. PINERO: If I may approach, Your Honor?

20 THE COURT: Yes.

21 BY MR. PINERO: (Cont'g)

22 Q. The highlighted portion is blank, other  
23 income monthly?

24 A. Uh-huh.

25 Q. And so you didn't include your social

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security benefits. Correct?

A. If -- if it wasn't asked, I -- I didn't -- I don't know. I don't know if it was asked or not. I don't know. I didn't fill this paper out at Bill Black Chevrolet. I didn't do this.

Q. Who filled out the paper?

A. Bill Black. I didn't -- I mean I didn't put this on paper.

Q. So where'd Bill Black get the number for your salary?

A. He got it from me.

Q. Can you turn to tab eight? And the first - first page is doc one, page thirty-five of fifty-three, this is your statement of financial affairs for individual filing for bankruptcy. Correct?

A. That's what it says.

Q. And part two to explain the sources of your income, number four from January 1st of current year to the date you filed for bankruptcy, you listed zero dollars income. Correct?

A. That's what it says on here.

Q. Is that true?

A. What -- I have any income coming in?

Q. From January 1st of 2017 until December 15,

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2017, you had zero income?

A. No.

Q. That's not true?

A. That's not true.

Q. How much money did you make that year?

A. I don't -- maybe what fifty -- I think -- I done forgot. I'm not sure on that -- on my income tax return.

Q. About fifty?

A. I'm not sure.

Q. Give or take a little?

A. Maybe. I don't know. I don't know.

Q. If you go to the next page, you got your income for 2016, you have gross income six thousand one hundred and thirty-five dollars. Is that right?

A. Gross income? Like I said, I don't -- I don't remember. I don't have my paperwork with me. I'm just looking at this right here. I don't remember. I can't say. I mean I don't -- I'm trying to answer your question as best I know how, but you -- you got something in front of me that I -- that I really don't know.

Q. And how much money did you make in 2016? Approximately?

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2 A. I don't know.

3 Q. Didn't you earlier say it was forty-nine  
4 thousand dollars give or take a little bit?

5 A. I don't know. I don't -- I don't know. It  
6 could have.

7 Q. Let's move forward, page thirty-one of  
8 fifty-three of your petition.

9 A. (unintelligible).

10 MR. PINERO: May I approach, Your Honor?

11 THE COURT: Yes.

12 BY MR. PINERO: (Cont'g)

13 Q. Mr. Richmond, here you've claimed one  
14 thousand seven hundred and twenty-three dollars'  
15 worth of income. Correct?

16 A. That's what's on this paper here.

17 Q. And if you can go on to page eight of  
18 fifty-three.

19 MR. PINERO: If I may approach, Your Honor, the  
20 witness?

21 THE COURT: Yes, sir.

22 BY MR. PINERO: (Cont'g)

23 Q. Is this expense three thousand eighty-two  
24 dollars, is that accurate -- your monthly expenses?

25 A. I don't -- I don't know. I mean like I

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2 said, I don't have my paperwork. I don't know.

3 Q. And did you disclose to the bankruptcy  
4 court your liens on -- the liens in the security  
5 agreement that we -- that you signed -- scratch all  
6 that.

7 Did you disclose to the bankruptcy court the  
8 liens on your personal property?

9 A. The liens on my personal property -- I  
10 don't (unintelligible) The lien on -  
11 (unintelligible).

12 MR. PINERO: If I may approach, Your Honor?

13 THE COURT: Yes, sir.

14 BY MR. PINERO: (Cont'g)

15 Q. This is a copy of a security agreement that  
16 you signed. Isn't that correct?

17 A. (unintelligible).

18 Q. And that was doc twenty-seven dash eight in  
19 the pre-trial disclosures. I didn't have the one  
20 with the number on the top, but that's the security  
21 agreement. Right?

22 A. (unintelligible).

23 Q. And can you go to the last page of that and  
24 tell me if that's your signature on it?

25 A. I don't know if this is my signature or

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not, but at the top of here, like (unintelligible)  
and here at the bottom Marian Jones-Richmond.

Q. Okay. But your signature is under that.  
Correct?

A. I don't know if I did this or not. I don't  
-- it's my name, but I don't know because I was just  
looking at how the Marian signed this, you know, I'm  
looking at Marian Jones (unintelligible) and  
underneath of it is Marian Jones-Richmond. She never  
signs her name like that.

Q. I'm not concerned with her signature.  
We're concerned with your signature.

A. Okay.

Q. Does it look like your signature?

A. It looks like it, but --

Q. Okay.

A. -- I know that -- I know everything has  
been passed down, but this right here is pertaining  
to property that I own and you already have property  
of -- of your mother -- your auntie that you have  
that, so why you coming after mine?

Q. Did you disclose this in your petition?

A. What?

Q. This security agreement?

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2 A. I didn't because I was under duress.

3 Q. I'm asking whether you told the bankruptcy  
4 court about this agreement.

5 A. I'm pretty sure.

6 Q. Okay.

7 A. Everything that I done under duress of this  
8 matter.

9 MR. PINERO: Can I ask the Court to -- to mark  
10 the book as Exhibit Two?

11 THE COURT: Yes, sir.

12 MR. PINERO: And that security agreement as  
13 Exhibit Three?

14 THE COURT: Yes.

15 MR. PINERO: Your Honor, I move to have my  
16 exhibits -- Exhibits One, Two, and Three admitted.

17 THE COURT: Any objection?

18 MR. JOHNSON: Your Honor, if I may, this is  
19 quite a lengthy agreement. Can I have just a couple  
20 of minutes to finish going through it? If I might  
21 ask a question, was there an attachment to this  
22 agreement to show exactly what is secured?

23 MR. PINERO: It's there. This was included in  
24 our pre-trial disclosures.

25 THE COURT: Yes, it was in the pre-trial

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2 exhibits.

3 MR. JOHNSON: Okay. All right.

4 THE COURT: I'll admit Exhibits One, Two, and  
5 Three.

6 BY MR. PINERO: (Cont'g)

7 Q. Mr. Richmond, is your house being  
8 foreclosed on?

9 A. Yes, it is.

10 Q. And do you know who the winning bidder was  
11 on -- well, scratch that. Do you know anything about  
12 the sale of your house by the foreclosure? Do you  
13 know who the winning bidder was for the sale of your  
14 house in foreclosure?

15 A. No, I had heard.

16 Q. What'd you hear?

17 A. I heard that Felicia Richmond (phonetic  
18 spelling).

19 Q. Who is Felicia Richmond?

20 A. That's my niece.

21 Q. Do you know -- do you know where she got  
22 the down payment?

23 A. No, I don't. I'm pretty sure she works.

24 Q. Did you know that she didn't pay for the  
25 house?



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2 A. No, I don't.

3 Q. That she defaulted on the bid?

4 A. I don't know anything about it.

5 MR. PINERO: No further questions, Your Honor.

6 THE COURT: Thank you, sir.

7 CROSS EXAMINATION

8 BY MR. JOHNSON:

9 Q. Mr. Richmond, you've indicated that you  
10 have P.T.S.D. Is that -- is that service connected  
11 by any chance?

12 A. Yes.

13 THE COURT: Mr. Johnson, could you speak up a  
14 little? (unintelligible).

15 BY MR. JOHNSON: (Cont'g)

16 Q. Do you have an accountant -- someone that  
17 does your taxes?

18 A. Yes.

19 Q. Okay. Who is that?

20 A. She's Vivianne [phonetic spelling]. I  
21 can't think of her last -- first name is Vivianne.

22 Q. All right. Do you turn over your invoices  
23 each month to her or yearly? How do you do that with  
24 your accountant?

25 A. No, I don't turn over my -- I -- at the end

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2 of the year, I give her what I made.

3 Q. Okay. Okay. How do you keep up with what  
4 your -- what your gross income is?

5 A. What I normally do is when I get paid, I  
6 take and pay my bills and --.

7 Q. No, how do you keep up with how much you  
8 actually get in pay per month?

9 A. I have invoices.

10 Q. Okay. And what you -- and tell me exactly  
11 what your -- what you do with the dump truck that you  
12 use in your business?

13 A. I haul (unintelligible).

14 Q. You haul what?

15 A. (unintelligible).

16 Q. Is that stuff that's used for making  
17 highways?

18 A. Yes, it's like asphalt.

19 Q. And are you contracted with anybody to do  
20 that or are you freelance?

21 A. Yes.

22 Q. Who are you contracted with?

23 A. I'm contracted with -- I haul for  
24 (unintelligible). I'm not really contracted. I  
25 just, you know, I'm not under a contract. I just --.

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Q. How -- how would it be determined if you hauled tomorrow?

A. Well, if -- when I go on a job -- for a good example, if I go on a job on Monday, they'll let me know that they need me all week and they'll let me know if they need me for the whole week. They'll let me know if I can be here permanently.

Q. All right. And that varies from week -- when you say you'll be there permanently --

A. Yeah.

Q. -- does --?

A. What I'm saying is that like they'll say well, you -- this is your -- you can be on this job as -- as long as you come in. This is my job like as for now, I'm hauling (unintelligible) --

Q. Uh-huh.

A. -- here in Greensboro, so I'm there until they say we're not doing anything today. We're not doing anything tomorrow. We -- we don't have that many yards pulled up for tomorrow and we won't need you.

Q. So are there periods of time that you don't work at all for a day or a week at a time?

A. Yes.

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2 Q. What's the most periods you can recall  
3 right now that you didn't work at all?

4 A. Right now?

5 Q. Yeah, in the last year, what was the  
6 longest period that you can recall that you didn't  
7 haul at all?

8 A. Last year was a very terrible year.

9 Q. It was very what?

10 A. Terrible.

11 Q. All right. So in a month, were there weeks  
12 or month or two that you didn't haul anything at all?

13 A. Yes.

14 Q. Now what is your major expense when you're  
15 hauling?

16 A. Diesel fuel, tires, engine -- changing oil.

17 Q. Okay. Now you have a very old truck. Is  
18 that correct?

19 A. Yes, sir.

20 Q. Is it mechanically sound? Does it -- do  
21 you have repairs often?

22 A. I -- I do repairs (unintelligible) brake  
23 shoes, clutch fan, just maintenance.

24 Q. Right. Now so once a year, you take your  
25 invoices and by invoices you're speaking of like

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2 Chandler [phonetic spelling] --

3 A. Yes.

4 Q. -- gives you showing how much they paid  
5 you?

6 A. Well, I take my -- okay. For a good  
7 example, they're paying me like -- for a good  
8 example, they're paying me like three dollars per ton  
9 and I'm able to haul like fourteen and a half to  
10 fifteen tons on the interstate, so if you multiply  
11 that by three dollars a ton, that's what I think per  
12 load.

13 Q. Okay. But at the end of the day --.

14 A. And then at the end of the week, I will  
15 take and total all of that up and I will present the  
16 invoice for how much I made. Well, then he turn and  
17 pay me.

18 Q. Right. Who prepares those invoices?

19 A. I prepare them myself.

20 Q. Okay. And that is what you take to your  
21 accountant. How -- how do you keep up with your  
22 expenses? Fuel, repairs, all that, how do you keep  
23 up with that?

24 A. When I take my truck to (unintelligible),  
25 they give me a whatever you call it -- for example,

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if I have a tire -- if the tire costs a hundred -- two hundred dollars, he give me an invoice of what it costs and I pay it and I take those invoices -- I keep them all together in a -- a folder --

Q. Yes.

A. -- and at the end of the year, I total up everything and I give it to my -- the lady that does my taxes.

Q. All right.

A. So it's not only just the tires, it's -- it's everything.

Q. Everything.

A. Everything you know.

Q. And is that what she prepares your tax return from?

A. Yes.

Q. Can you take cancelled checks to her?

A. No.

Q. Okay. You do not take cancelled checks?

A. No.

Q. So she relies on the invoices that you submit to Chandler and on the invoices that the repair people or gas -- gas people --

A. Yes.

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2 Q. -- diesel people --.

3 A. Everything. Everything (unintelligible)  
4 the gas, the oil, the repairs, the welding, whatever.

5 Q. All right. Now you've been questioned  
6 about a -- an application for a loan you made with  
7 Black Cadillac. Did Black Cadillac ask you to  
8 present your tax returns?

9 A. I don't think so.

10 Q. Would you recall if they had?

11 A. I'm not sure if they did or not.

12 Q. Okay. And filing for bankruptcy, did you  
13 have to present your tax returns?

14 A. Yes.

15 Q. Okay. And these returns, again, were  
16 prepared by what's her name?

17 A. Her first name is Vivianne.

18 Q. Vivianne.

19 A. Vivianne, I can't think of her last name,  
20 Moore [phonetic spelling]. Moore.

21 Q. Vivianne Moore

22 A. Vivianne Moore like Vivianne Moore.

23 Q. And for 2016 -- how long has she been  
24 preparing your tax returns?

25 A. She has been preparing my taxes maybe nine

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or ten years.

Q. All right. So she certainly would have prepared them for 2015/2016.

A. Yes.

Q. She also prepared 2017?

A. Yes.

Q. All right. Your tax returns of course at the time you filed this bankruptcy were not yet due.

A. Yes.

Q. Now you've also talked about a motion to claim exemptions that was filed in Alamance County and after filing that motion to claim exemption, the most of it was dishonored or was not accepted. Is that right?

A. Yes, it is.

Q. And was it ultimately concluded that all of the items listed in that motion to claim exemption belonged to your wife?

A. That's what it said.

Q. Did that include the guns?

A. That's what it said.

Q. So it was concluded by the Alamance County Superior Court or Clerk of Superior Court that items that were listed in -- it's under tab -- tab one,



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Motion to Claim Exemptions, it was ultimately determined that all of these -- these articles listed in connection with that was not marital property, but belonged to your wife?

A. Yes.

Q. In that motion to claim exemptions, the truck that you're using in your business was also listed. Is that right?

A. Yes.

Q. That truck is titled in whose name?

A. Dennis Richmond.

Q. Dennis Richmond.

THE COURT: I'm sorry. What was your answer?

In your name?

THE WITNESS: Dennis Richmond.

BY MR. JOHNSON: (Cont'g)

Q. Now you've mentioned in regard to a Suzuki motorcycle that you essentially, I guess allowed some -- allowed or you -- I'm sorry. Strike that.

In regard to a Suzuki motorcycle and a Harley Davidson motorcycle, you let someone use your credit standing to buy these items. Is that true? Who bought the -- who actually paid for the Suzuki?

A. A friend of mine.

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2 Q. What's his name?

3 A. Marvin.

4 Q. Marvin?

5 A. Yes.

6 Q. Do we know Marvin's last name?

7 A. Bigelow [phonetic spelling].

8 Q. Bigelow. Who put up the money for the down  
9 payment?

10 A. Marvin.

11 Q. Who made the monthly payments?

12 A. Marvin.

13 Q. And you said the Suzuki was subsequently --  
14 was it stolen?

15 A. Yes.

16 Q. All right. Who collected the insurance  
17 money on it?

18 A. Marvin.

19 Q. And was the insurance money collected on  
20 the Suzuki what was used as the down payment on the  
21 Harley or do you know?

22 A. I don't know. I don't think -- well, he --  
23 what he told me I read the police report. They broke  
24 in his -- his home and they spray painted the wall  
25 and tore everything up and I think he had -- I don't

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think he received any money from the bike because I think the insurance in -- what do you call it? The insurance for like if something you save money on it, I think they -- I think it's what happened because --

Q. All right.

A. -- him and I we did go back to a place in (unintelligible). I think (unintelligible) paid. I don't think (unintelligible).

Q. All right. And at some point, in early 2018, were you told that the trustee in your chapter seven bankruptcy was questioning this Harley Davidson motorcycle?

A. Yes.

Q. All right. And were you instructed that if what you just testified to from the witness stand was true --

A. Yes.

Q. -- that you were going -- that we were going to have to have Mr. --.

MR. PINERO: Objection, leading.

BY MR. JOHNSON: (Cont'g)

Q. What did you tell Mr. Bigelow he would have to do in regard to it?

A. (unintelligible).

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2 Q. Okay.

3 MR. JOHNSON: Is it in the record?

4 UNIDENTIFIED MALE: (unintelligible)

5 UNIDENTIFIED MALE: It's not in the  
6 (unintelligible). Are you saying it's in the  
7 (unintelligible)?

8 UNIDENTIFIED MALE: Well, if I've never seen it,  
9 I'm going to object to it.

10 MR. JOHNSON: Okay.

11 UNIDENTIFIED MALE: (unintelligible)

12 THE COURT: I (unintelligible) listed on the  
13 petition (unintelligible).

14 MR. PINERO: Your Honor, I object to this. I  
15 haven't seen this. I didn't see it in the pre-trial  
16 disclosures.

17 THE COURT: I'll -- I'll sustain the objection.

18 MR. JOHNSON: Thank you very much, Your Honor.

19 BY MR. JOHNSON: (Cont'g)

20 Q. In your petition, you did not list  
21 (unintelligible) security agreement that was shown to  
22 you by Mr. Pinero, did you?

23 A. No.

24 Q. And is it your testimony that at the time  
25 you filed this bankruptcy that the Alamance County

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Clerk of Superior Court had already determined that the personal property as listed on this agreement did not belong to you?

A. (unintelligible).

Q. Has there been years in your trucking business that at the end of the year after all of your expenses are taken that you actually showed that you lost money?

A. Yes.

Q. Okay. Have there been many of those years that you recall?

A. (unintelligible).

Q. And again, do you rely on Vivianne Moore to determine what's owed -- the profit or loss is?

A. What now?

Q. Do you rely on Vivianne Moore to determine

--

A. (unintelligible).

Q. -- what your profit or loss is?

A. Yes, she's a tax return.

Q. Does she have a tax return business?

A. Yes.

Q. Is the business in her name?

A. I think it's V -- V something. I'm not

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sure. I don't know how she had it listed, but it's a business. She -- she used to work for the I.R.S.

Q. All right. And this -- and this whole matter started out, the first action filed in this case, you were not a party to it at all. Were you?

A. That's right.

Q. Who was it filed against?

A. Marian Jones-Richmond.

Q. Okay. And what is Marian Jones-Richmond's relationship to Flora Jones?

A. Mother.

Q. It's her mother. And what is her relationship to Kathy Laverne-Pinero?

A. They sisters.

Q. Sisters. And this -- and Ms. Pinero is Mr. Pinero's wife. Is that correct?

A. (unintelligible).

Q. And Ms. -- Ms. Kathy Laverne-Pinero is married to Mr. Pinero, the attorney?

A. That's his mother.

Q. It's his mother?

A. Yeah.

Q. Okay. (unintelligible). And who -- who is this other -- what -- who is D.M.D -- I'm sorry. In

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2 the 2013 action, that action too started out  
3 initially against just your wife. Is that correct?

4 A. I think it did.

5 Q. But you were subsequently added to it? If  
6 you know.

7 A. I --.

8 Q. Do you know how you became a part of the  
9 2013 action?

10 A. My understanding it's because I mowed the  
11 yard. I was keeping the property up. I was mowing -  
12 - not that property, I was mowing two properties.

13 Q. Uh-huh.

14 A. I was mowing the property on Day Street and  
15 I was mowing the property up here in Greensboro on  
16 (unintelligible). I was mowing the two properties.

17 Q. All right. So by 2013, you were no longer  
18 doing that?

19 A. I think I made it somewhere -- somewhere  
20 around there. I didn't -- I'm not to --.

21 Q. All right. Once these lawsuits were filed,  
22 is it your recollection that you continued to render  
23 service at these properties?

24 A. No, I -- I didn't do anything to them.

25 Q. You did not render any further services

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2 after the 2013 action was filed?

3 A. Basically, I didn't mow no more yards.

4 Q. All right. Did you -- following the 2013  
5 action, render any services at all related to these  
6 properties -- any of the properties that had belonged  
7 to Flora Jones?

8 A. I don't think I did.

9 Q. How many properties were there, if you  
10 know?

11 A. There was -- on Day Street it was like --  
12 it was two houses on that property -- two houses and  
13 I was mowing both of them.

14 Q. All right.

15 A. And the one up here in Greensboro didn't  
16 have anything on it. It was just a lot and I was  
17 keeping it mowed because I had to keep it down to the  
18 city -- for the city ordinance.

19 Q. Uh-huh.

20 A. I had -- I took care of that. I mowed this  
21 and here in Greensboro there was two houses on that  
22 property there in Burlington [phonetic spelling] and  
23 I mowed both those -- no, I only just mowed -- I had  
24 two or three times and I mowed it and I had to weed  
25 eat it. I had to take (unintelligible).



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Q. All right. But the -- but the point is -- the question is after -- following the filing of the 2013 action, you did none of that? You did -- you did nothing more associated with any of these properties?

A. No.

Q. Did you do any other services that you know of on behalf of Flora Jones?

A. No.

Q. All right. Now at some point D.F.W.M.M. Holdings L.L.C. filed a lawsuit against you. Is that correct?

A. Yes.

Q. Did you at any time ever provide any services of any kind whatsoever to D.F.W.M.M. Holdings L.L.C.?

A. Did I --?

Q. Did you ever do any work for them? Did you now? Did you do anything --

A. No.

Q. -- for D.F.W.M.M. Holdings?

A. No.

Q. You did nothing?

A. I did nothing.

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2 Q. Do you know who the managing partner is in  
3 that L.L.C.?

4 A. What -- what's that?

5 Q. Do you -- tell me what you know about  
6 D.F.W.M.M. Holdings.

7 A. All I know is (unintelligible).

8 Q. Okay. And you -- you rendered no services  
9 of any kind whatsoever for that entity?

10 A. I think no. Not that I can recall.

11 Q. Was it ever explained to you by them or  
12 anyone else how it is that that entity came to be a  
13 party in -- well, party who had the ability to sue?

14 A. I don't -- that's -- no, I don't think so.

15 Q. All right. Now quite a few things happened  
16 on October 27, 2014. That's when I think your wife  
17 was incarcerated at County Jail. Is that correct?

18 A. That's correct.

19 Q. All right. In addition to a settlement  
20 agreement and covenant not to sue that was entered  
21 into, there was also a security agreement which we  
22 just mentioned. There was also a -- was there also  
23 a note that talked about the monthly payments and so  
24 on if you remember?

25 A. Yes.

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2 Q. Was there also a Deed of Trust that you  
3 entered into?

4 A. I think so.

5 Q. Now how was she able to do that if she was  
6 in jail?

7 A. They took the papers up there to her.

8 Q. They took the papers up to the jailhouse?

9 A. Yes.

10 Q. Did you go up there?

11 A. No, they wouldn't allow me up there.

12 Q. Did they take a notary with them?

13 A. I -- I don't know. I don't remember. I  
14 don't know, but I do know they took -- they took  
15 (unintelligible) --

16 Q. Okay.

17 A. -- because the only way she could sign  
18 them.

19 Q. All right. And so you know that they --  
20 you did not accompany them to the jailhouse.

21 A. No.

22 Q. All right. But you -- but you knew that if  
23 -- well, strike that.

24 Were you told that if these papers were not  
25 signed, she was going to remain in jail?

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2 A. Yes.

3 Q. Who told you that?

4 A. (unintelligible) I don't know who -- who  
5 was telling -- talking because I was -- I was just,  
6 you know, I was all to pieces because my wife was in  
7 jail and -- and, you know, I just didn't know. I --  
8 I don't -- I was just -- just all upset. I don't  
9 know.

10 Q. All right. Was -- how many meetings took  
11 place while your wife was in jail?

12 A. How many meetings?

13 Q. Yeah, how many times did you meet with  
14 attorneys while your wife was in jail before these  
15 documents were signed?

16 A. Okay. While she was in jail, we was all  
17 down in there -- in I think it's (unintelligible).

18 Q. But how did you get there? Who told you to  
19 come there? Why were you there?

20 A. They had court that day and -- and they  
21 said for me to come down to the Courthouse and I  
22 can't quite remember what it was, but I knew that I  
23 was -- I was -- I think it was at work and I got a  
24 call saying to come down to the Courthouse. They're  
25 going to put Marian in jail, you know, I'm driving

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and I'm loaded, you know, and I -- I just doing the best I can -- I could. I did make it down there though.

Q. All right.

A. And then after I got there, you know, I think it was (unintelligible) put her in jail.

Q. How many days did she spend in jail?

A. She didn't -- she didn't stay in there no days.

Q. All right. So she was picked up and put in jail --.

A. Well, see they took her from the Courthouse.

Q. Uh-huh.

A. When I got there to the Courthouse, I never left anymore. I stayed there and we didn't -- and Phil took the -- Phil took the security agreement, the promissory note, and all of that. He -- he took it to the judge there in Wake Forest. It was about nine or ten o'clock at night.

Q. All right.

A. That's what he did. I mean --.

Q. Okay. No, back up a little. So on October 27, 2014, you represent to the Court that your wife

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2 was picked up for contempt I think as the order  
3 states and in jail that day?

4 A. Well, I don't think she was picked up. She  
5 was -- they took her from the -- from the Court.

6 Q. Well, she took -- they took her from the  
7 Courthouse.

8 A. Uh-huh.

9 Q. She had -- had she gone down to the  
10 Courthouse for a hearing to the best of your  
11 knowledge?

12 A. She went down there for -- I done forgot  
13 what it was, but -- I done forgot what it was -- what  
14 she was down there for. I don't know. If I can  
15 remember, you know, I got the call saying that  
16 they're going to put her in jail, that I have to get  
17 down there, and so I came down and from the time that  
18 I got there because I didn't leave the Courthouse --  
19 it was late that night on that same day. If it was -  
20 - if it was the 27th.

21 Q. So on one day your wife was picked up and  
22 was -- was incarcerated for contempt. Is that  
23 correct? On the same day.

24 A. I'm not sure. I'm not sure.  
25 (unintelligible) contempt. I don't -- I don't think

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-- no, I don't think she was put in jail for contempt. I don't think -- but all -- the time she went to jail, it was -- it was -- I done forgot what it was, but -- but -- I can't remember.

MR. JOHNSON: May I approach, Your Honor, and I'll be showing Tab Two of Plaintiff page four (unintelligible) zero zero zero zero four, Tab Two?

THE COURT: Yes, sir.

MR. JOHNSON: At the bottom right, zero zero zero zero four.

THE COURT: Uh-huh.

BY MR. JOHNSON: (Cont'g)

Q. I'm going to show you a document that was called Order in the Superior Court Division case ten C.V.S. (unintelligible) and it starts with a decision of court (unintelligible) superior court judge on October 2, 2017. Do you see that first paragraph?

A. Yes.

Q. All right. And on that page look at paragraph four and the Court -- and the (unintelligible) by testimony (unintelligible) legal authority (unintelligible). Now what is not here that -- it doesn't indicate that you and your wife had counsel. (unintelligible) represent yourself at

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that --?

A. Yes.

Q. And on that day looking at page five of that document, Superior Court judge presiding determined that defendants -- that she was in contempt (unintelligible) shall not exceed ninety days total (unintelligible) date of execution. Did anybody serve you and your wife with (unintelligible)?

A. (unintelligible).

Q. Quite a bit of this stuff occurred when your wife was either trying to represent herself or you all were down here trying to -- as a team trying to represent yourself. A lot of this occurred, you all did not have an attorney?

A. Yes.

Q. All right. So per this order, you would note you were on the job on October 27, 2017 as best you can recall?

A. Yes.

Q. Okay. And you were -- you were notified by -- how -- who notified you?

A. I done forgotten that, but I don't know if it was my -- my niece -- I think it was my niece or



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my sister or my cousin that called me and said they put Marian in jail.

Q. All right. So between October 2, 2017 and October 27, 2017 -- between October 2, 2017 and October 27, 2017, did you meet with any attorney concerning the deed of trust and note or -- or the security agreement that you entered into?

A. Did I meet with any attorneys?

Q. Yeah.

A. You mean like --.

Q. Did you at any time meet with any attorney concerning the two agreements that you'd entered into in 2014?

A. No, I don't think so.

Q. Okay. But on that date, you proceeded to the Courthouse. How -- how -- how did you come to go to Attorney Watkins' office?

A. How did I?

Q. Yes, who directed -- who instructed you to go?

A. Well, he had -- he was my attorney for, I done forgot, for something and --.

Q. Was he representing you in --?

A. (unintelligible) I think how -- how -- I

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think one of -- I don't know if it was Phil or  
(unintelligible) said well -- because they had --  
they had their -- what the -- deposition --

Q. Yes.

A. -- in the case and I think that Phil said  
if it's all right with him (unintelligible) said  
we'll -- we'll sign it and it was kind of late at  
night and they said it's fine if I stay here.

Q. This -- this took place late at night?

A. Well, it was around -- it was around --  
yeah, it was about eight -- nine because she was in  
jail and Phil had -- Phil had -- they drew all this  
up in their -- in their office. They drew everything  
up in Chris' office there and -- and explained it to  
me, telling me (unintelligible). She get out and you  
paid this nine hundred dollars a month, this  
promissory note, and that's what we was going for.

Q. All right.

A. It was --.

Q. So Chris Watkins was not actually  
representing you in this matter?

A. No.

Q. You went in his -- you went in his office  
as a matter of convenience?

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2 A. Yes, because he had been my attorney  
3 (unintelligible).

4 Q. All right. So the deed of trust and the  
5 note, you -- you signed at Chris' office --

6 A. Yeah.

7 Q. -- Mr. Watkins' office --

8 A. Yes.

9 Q. -- and your wife signed the deed of trust  
10 and the note at the jail.

11 A. In jail.

12 Q. Okay. And once -- who signed first?

13 A. I did.

14 Q. All right. Did you at any time have a  
15 discussion with your wife about signing? Did you go  
16 down to the jail and talk to her before she signed?

17 A. No.

18 Q. Did Chris Watkins go down and talk to her  
19 before she signed?

20 A. I think Chris -- Chris and Phil -- they  
21 did.

22 Q. Chris and Phil went?

23 A. (unintelligible).

24 Q. Okay. But at this time, you had already  
25 signed it?

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2 A. Yes.

3 Q. And where -- did you remain at Chris  
4 Watkins' office while they went to the jail?

5 A. Yes.

6 Q. All right. And what happened when they  
7 returned?

8 A. After -- when they returned and Phil left  
9 all the papers because he had -- he had the -- the  
10 judge had to sign it. I tell you who was  
11 representing -- he's a -- an attorney  
12 (unintelligible).

13 Q. What did he have to do with it?

14 A. He was -- he was -- he was there. I think  
15 he was representing -- I think he was -- I think --.

16 Q. If he was there, who was he representing if  
17 you know?

18 A. I think he was -- had been representing  
19 Marian I think.

20 Q. Okay. All right. So he had been  
21 representing Marian and did he accompany them to the  
22 jail?

23 A. I think so.

24 Q. All right. Did -- when they came back, did  
25 they tell you that you could go get her or did they

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bring her with them?

A. No. No, they won't let her out until Phil took those papers to (unintelligible) to a Judge's house and they signed them at his house.

Q. Okay. And do you -- if you can -- how -- how -- what length of time did that take if you recall?

A. Well, I'm pretty sure it was about forty-five or fifty minutes around Wake Forest --

Q. Okay.

A. -- and he had to call to let (unintelligible), I think his name is (unintelligible), I might be mistaken of name, and he got the answer, we went to the jail house to get her out and like I said it was about eleven. It was -- it was midnight.

MR. JOHNSON: Nothing further at this point, Your Honor.

THE COURT: Yes, sir?

REDIRECT EXAMINATION

BY MR. PINERO: (Cont'g)

Q. Mr. Richmond, your wife's been held in contempt multiple times. Right?

A. In contempt, multiple?

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Q. Multiple times, more than once.

A. What you mean? Been in jail?

Q. Not been in jail. Been held in contempt by the Court.

A. I don't -- I'm not sure.

Q. Well, wasn't she held in contempt and put in jail in 2014?

MR. JOHNSON: We'd object to that line of questioning unless it comes after October 27, 2014. The basis of our objection is the settlement agreement and covenant to not sue was entered into on October 27, 2014 which is -- which is essentially resolving any and all bad behavior up until that time per this agreement.

THE COURT: I'll -- I'll allow the question.

BY MR. PINERO: (Cont'g)

Q. She was held in contempt in 2014. Correct?

A. I'm not sure because a lot of the times I wasn't there.

Q. I'm just trying to get the timeline right because you -- you -- you just said you got her out of jail in 2017. You were talking about a 2017 order and getting her out of jail, but you actually got her out of jail in 2014, didn't you?

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A. That's what -- that's what date that was -- that's when we signed the promissory note. I mean I don't know what -- I forgot what year it was. I didn't keep up with it. Whatever year it was that -- that Phil was in Chris Watkins' office and they had me to sign that paper. Whatever year it was -- what date it was, that's when -- when she went to jail on that day.

Q. The day you signed the promissory note was the date she went to jail. Correct?

A. That's the date.

Q. 2014 is when you signed the promissory note. Correct?

A. If that's -- if that's -- if that's what it is.

Q. Yes. And the date that your counsel now is talking about and conflating here is the 2017 contempt, isn't it? He -- he pointed out a 2017 order, didn't he?

A. Yes.

Q. And then he said well, did you go to Chris Watkins, did you get your wife out of jail. Right?

A. Did I --?

Q. Did you get your wife out of jail in 2017?

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2 A. No.

3 Q. Because she wasn't in jail in 2017.

4 Correct?

5 A. No.

6 Q. There was a contempt order, but she had  
7 been -- she has -- the sheriff hasn't found her.

8 Correct?

9 A. That's right.

10 Q. So who was your attorney when you signed  
11 this document -- the promissory note and the -- and  
12 the other?

13 A. I didn't have an attorney at the -- at the  
14 time.

15 Q. Wasn't Chris Watkins your attorney at the  
16 time?

17 A. I don't think so.

18 Q. Didn't he appear for you at that hearing?

19 A. I don't know if he did or not.

20 Q. Didn't you testify that he was your  
21 attorney at that time?

22 A. No, he was -- he was my attorney for  
23 another time. I don't know if it was for that. I  
24 don't know.

25 Q. Do you still have your book?



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2 A. Excuse me?

3 Q. Do you still have that book I gave you?

4 A. The book -- yeah, right here.

5 Q. Can you turn to tab five and go to  
6 Plaintiff's one nine seven?

7 A. Okay.

8 Q. Paragraph twenty-two or line -- let me --.

9 MR. PINERO: If I may approach the witness, Your  
10 Honor?

11 THE COURT: Yes.

12 MR. PINERO: Strike what I said please.

13 BY MR. PINERO: (Cont'g)

14 Q. Paragraph two, let's talk real quick about  
15 Chris Watkins. This is your deposition. Right? We  
16 looked at it earlier.

17 A. Yeah, okay.

18 Q. Let's talk real quick about Chris Watkins.  
19 You hired Chris -- Chris Watkins at some point to  
20 defend you in the case against Marian Jones-Richmond.  
21 Correct? Okay. When you signed these documents, you  
22 said you had an attorney. Correct?

23 A. Uh-huh.

24 Q. And the attorney -- well you signed these  
25 documents before the attorney. Right? He was with

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you when you signed the documents? Yes? Was that your testimony then?

A. I don't understand the questions you're asking me.

Q. The order that your -- your attorney just pointed out, tab two, the fourth page, and that's Plaintiff's four. You just testified that your wife didn't have an attorney at this hearing. Correct? This is the one where she's held -- held in contempt. Correct?

A. I -- I don't know if she has an attorney or not. I don't think so. I don't know. I don't -- because I didn't go to court with her every time when she went.

Q. Doesn't it say on the second line there the defendant was present in court represented by attorney Bryan Ray?

A. I mean was -- why you -- what's -- what page you on?

MR. PINERO: If I may approach, Your Honor?

THE COURT: Yes.

MR. JOHNSON: What tab are we on and what page are we on?

MR. PINERO: We're on Plaintiff's Four.

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2 MR. JOHNSON: Tab four?

3 MR. PINERO: Tab two of Plaintiff's Four.

4 MR. JOHNSON: Okay.

5 BY MR. PINERO: (Cont'g)

6 Q. Isn't this the order that your attorney  
7 just questioned you about, about what the -- that  
8 held your wife in contempt in 2017?

9 A. I don't know if I see - (unintelligible) or  
10 not. I don't know. I don't know.

11 Q. But that second sentence definitely says  
12 that your wife was represented by Bryan Ray.  
13 Correct?

14 A. That's what it says, yeah.

15 Q. Were you represented by Bryan Ray at that  
16 time?

17 A. I don't think I was.

18 Q. Were you represented by Chris Watkins at  
19 that time?

20 A. I don't think so. No, because this is when  
21 I -- this is -- I don't think so.

22 Q. And that settlement -- those papers have  
23 nothing to do with this order. Right? They  
24 couldn't.

25 A. What papers?

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2 Q. The settlement, the promissory note, the  
3 deed of trust, all that had nothing to do with this  
4 order, do they?

5 A. I don't quite understand having to do  
6 anything with this.

7 Q. The papers that you signed in 2014, do they  
8 have anything to do with the order in 2017?

9 A. I -- I don't know.

10 Q. Did you sign the papers in 2014 because of  
11 this order that was entered in 2017?

12 A. I signed -- I signed the papers under  
13 duress to get my wife out of jail and if all this  
14 covers that -- this covers that.

15 Q. So you're claiming your expenses are three  
16 thousand eighty-two dollars, correct, a month?  
17 Correct?

18 A. If that's what you have on the paper.

19 Q. And that your income is two thousand six  
20 hundred seventy-five dollars a month?

21 A. If that's -- that's on the paper.

22 Q. And -- so you're negative four hundred  
23 dollars in the hole, right, every month?

24 A. I don't -- I don't know.

25 Q. But it -- in a different --?

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A. If that's related because my taxes -- if that's what is on the tax return, that's what's on the tax return.

Q. Okay. And -- and your wife left. Right?

A. Yeah.

Q. So you're paying all these bills yourself?

A. Yes.

Q. And you don't have any savings?

A. No.

Q. And you're not getting rid of any of the debts -- you're reaffirming all the debts that you listed in your expenses. Correct?

A. I'm doing what?

Q. You're not getting rid of any of the debts that you listed in the expenses, are you?

A. (unintelligible)?

Q. Are you -- are you going to stop paying for your -- your home -- your mortgage to Proponent?

A. (unintelligible).

Q. Are you reaffirming your debt with Proponent -- your mortgage?

A. You -- you did that in court. You did -- you set that up before Proponent would not accept my payment --

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Q. Okay.

A. -- and I went down to Proponent to make my payment, they said that D.F. Holding Company had something that they wouldn't accept my -- my payment and they -- you did that and like I said before, you had (unintelligible), why you coming after mine?

Q. That's --.

A. You all put my wife in jail to get my property, so why you coming after mine? I don't have anything to do with that. You all brought the lawsuit against my wife. You going to bring -- why didn't you bring against both of us at the same time? You didn't do that. You came back and did that, so I don't understand how you did it, but I'm not understanding nobody. I'm not understanding nobody. The way that happened, it happened, I'm not understanding you or the Court. I'm not angry with no one. I have love for people. I -- but I just don't understand why you coming after my property and you got your aunt property. You -- I don't understand that and I know it's been passed down, but I'm not angry about it and you can backwards and forward all you want to. It's not going to change anything. It's out of love.

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2 Q. If you have no savings and you don't -- and  
3 you make less money every month than you spend, how  
4 are you paying your bills right now?

5 A. I work.

6 Q. Okay. But you only make -- you don't make  
7 enough money to pay your bills is what you're saying  
8 aren't you?

9 A. I -- I (unintelligible). I pay -- I work.  
10 I pay my bills.

11 Q. You pay all your bills?

12 A. Yes.

13 Q. By yourself?

14 A. Yes.

15 Q. With the income you listed here in the  
16 bankruptcy?

17 A. I pay what I can.

18 Q. Do you pay what you can or do you pay all  
19 of them?

20 A. I pay what I can.

21 Q. Isn't it true that your wife is still  
22 living with you?

23 A. No.

24 Q. So how are you paying these bills?

25 A. I work and sometimes I have to get money

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from friends. I have to borrow money.

Q. Have you borrowed money in the last year?

A. Yes.

Q. Have you borrowed money in the last month?

A. Yes.

Q. Who'd you borrow the money from?

A. A friend.

Q. Who?

A. A friend.

Q. What's the name of your friend?

A. A friend.

Q. What's the name of your friend?

A. I don't recall his name.

Q. What's the name of your friend who lent you money last month?

A. I don't recall the person's name.

MR. PINERO: Your Honor, I'm going to request him --.

THE COURT: I'm waiting for an objection because I'll sustain the objection. I don't see the relevance.

MR. JOHNSON: It's been asked and answered several times and I agree as to relevance.

THE COURT: I mean as to who the person is, I



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2 mean what relevance is it to the matter we have  
3 before us today?

4 MR. PINERO: The relevance is that we believe  
5 Mr. -- Mr. Richmond is lying in this petition about  
6 not having his wife live with him and -- and pay for  
7 these bills.

8 MR. JOHNSON: No, actually, he -- he filed  
9 individually of course which he has an absolute --

10 THE COURT: Right to do.

11 MR. JOHNSON: -- right to do.

12 THE COURT: So I'm not going to tell him to --  
13 to answer the name of the individual.

14 BY MR. PINERO: (Cont'g)

15 Q. And so you're -- so when you said you were  
16 separated from your wife, you were telling the truth  
17 here on this document, so she doesn't live in your  
18 house?

19 A. No.

20 Q. Okay.

21 A. You all foreclosed on the house.

22 Q. What does the foreclosure have to do with  
23 anything?

24 A. I have to get out.

25 Q. You haven't moved out though?

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2 A. I'm there sometimes.

3 Q. You have another residence?

4 A. No.

5 Q. So when you're not there, where are you?

6 A. In my car.

7 MR. JOHNSON: Objection to relevance.

8 THE COURT: Sustained.

9 BY MR. PINERO: (Cont'g)

10 Q. Are you discharging any other -- attempting  
11 to discharge any debts other than the debt that --  
12 that you have with D.F.W.M.M.?

13 THE COURT: Sir, I'm not --

14 MR. JOHNSON: Objection (unintelligible).

15 THE COURT: -- I'm going to direct him not to  
16 answer that question. You're asking for a legal  
17 conclusion.

18 BY MR. PINERO: (Cont'g)

19 Q. When you used to get paid, did you get paid  
20 in -- I'm sorry. Scratch that.

21 Do you get paid in cash or check?

22 A. For what?

23 Q. When you contract for your work?

24 A. A check.

25 Q. Do you know how many loads per day you

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normally do?

A. It varies.

Q. Can you give an estimate?

A. Three, five, ten, eleven, it varies.

Q. And how many days a week do you work?

A. I try to work five, but sometimes I don't.

MR. PINERO: No further questions, Your Honor.

THE COURT: Okay.

MR. JOHNSON: I have no further questions, Your Honor.

THE COURT: Thank you, sir. You can step down.

THE WITNESS: Thank you. (unintelligible)?

THE COURT: You can just leave it. Just leave those there.

THE WITNESS: Right here?

THE COURT: Just don't take them with you.

THE WITNESS: All right. Thank you.

THE COURT: All right. Any further evidence?

MR. PINERO: Yes, Your Honor. I want to -- I'm asking to mark the official copies of the underlying state records as an exhibit?

THE COURT: That's fine. We admitted that as the book. The book was admitted as Exhibit Two.

MR. PINERO: But they're not -- they're not all

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2 in there.

3 THE COURT: Okay.

4 MR. PINERO: All the documents that are in here  
5 -- well, I didn't know if you needed the one with the  
6 seal, Your Honor.

7 THE COURT: If Mr. Johnson doesn't object, I  
8 mean --.

9 MR. PINERO: They're not in the book, but these  
10 are the --

11 MR. JOHNSON: But are all of these --

12 MR. PINERO: -- pre-trial disclosure.

13 MR. JOHNSON: -- documents --.

14 MR. PINERO: They're not all in the book. This  
15 is a certified copy from the Court.

16 MR. JOHNSON: It's different from what you've  
17 already offered.

18 MR. PINERO: Well, this -- it's the same cover  
19 page -- well, I don't know that it's any different  
20 actually.

21 THE COURT: The ones we have here have a  
22 certification.

23 MR. PINERO: Yes, the same document. I may not  
24 have included every page in the book.

25 THE COURT: So you're just asking to supplement

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it with the entire document?

MR. PINERO: Yes.

MR. JOHNSON: Your Honor, to the extent that these documents are really the same that are in the book, I would have no objection. To the extent that there's a difference, they have no foundation really that's been laid to their admission, I would.

THE COURT: Were they listed -- were the -- in the pre-trial disclosure, does the pre-trial disclosure have what is in this book and nothing more or does it have the complete documents?

MR. PINERO: The pre-trial disclosure has the complete documents and they're here.

THE COURT: And it's nothing more than documents in the state court?

MR. PINERO: Correct. These are just the state court documents that were submitted in the pre-trial disclosure, but for the ease of the Court, I didn't want to include a bunch of documents that maybe I didn't have to ask the witness about.

MR. JOHNSON: I'll tell you what the (unintelligible) on that second one, fourteen to thirty-six is missing, so on the second one, the second half of is missing.

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MR. PINERO: If it helps the Court, the cover page for each of these describes all the documents that are in there and there's no other documents than are listed in the cover page.

THE COURT: Thank you.

MR. JOHNSON: I have --

THE COURT: Thank you.

MR. JOHNSON: -- I have no objection.

THE COURT: I'll admit them as Exhibit --  
Exhibit Four.

MR. PINERO: And that was admitted, Your Honor?

THE COURT: Yes.

MR. PINERO: Thank you, Your Honor.

THE COURT: As Exhibit Four. And this -- is that the close of the Plaintiff's evidence?

MR. PINERO: Yes, Your Honor.

THE COURT: Okay. Thank you. Mr. Johnson?

MR. JOHNSON: Your Honor, one thing that strikes me as a glaring absence in this whole matter is this actually started out again based on statutory fraud against Ms. Richmond and I-- I understand how Mr. Richmond was later brought in a 2013 case, but what is absolutely missing here is how D.F.W.M.M. Holdings came to be a party and interest under any situation.

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There's nothing in -- there's nothing in the documents that are being presented today. There's no -- there's nothing to indicate that they at any point purchased, were given or signed the judgment that had come to pass in this matter under the 2010 and 2013 cases. In the meantime, of course, the agreement was entered into in 2014 which settled both of those matters and -- and what is likely is how in the end did they become a party at interest?

The Ritz [phonetic spelling] case of course has been handed up and I understand that that is the new order of the day, but the glaring difference between this matter and the Ritz case is that in -- number one, it was actual versus constructive or statutory fraud. The only -- the only thing that's been proven here today is that there was this matter that started in 2010 and 2013 on the back of statutory and constructive fraud, both of which -- both of which were merged into a settlement agreement and covenant not to sue. There's absolutely no showing today of any actual fraud that followed thereafter.

Now I can certainly understand the question about the motorcycle. The trustee in this matter had the exact same questions which is what forced us to

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get information to back up what Mr. Richmond was telling us and what we were telling him and we presented that information. The schedules I've -- I would gladly admit have some -- some issue about it. The information that was provided therein came from Mr. Richmond and his tax -- his tax returns and to the extent that his tax returns reflected what he -- what his income or loss was for that -- for the two years immediately preceding his -- his filing, that is what we used to prepare his petition.

Now it is certainly a fact that the -- what the tax return indicates as far as a loss or -- or a profit is, it does not have a whole lot to do sometimes with what actual gross and spendable income is. There are a number of deductions and other things that can be taken, credits and so on, so that you end up with what I have in my pocket from month to month may -- may differ considerably from what a tax return shows my actual income was, so I would think to show that there was some fraud in that regard would -- would at least require a -- a showing or a requirement that he bring in actual invoices to back -- to back up what he's -- he has put in his petition or to challenge the tax return, but to just



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ask the questions and with nothing more to show that disputes what he put in there, then I would say that certainly doesn't constitute actual fraud.

The most concerning thing to me here has to do with the Cadillac automobile and he did not complete that petition. He did not complete that application. He, of course, is held accountable for what is in it and to the extent that whoever financed this automobile or Bill Black Cadillac or both have a problem, they -- they may very well -- we may very well circle around and be right back here again, but that -- what he put in that other than to the extent that Mr. Pinero attempts to say that that somehow makes what he put in his petition which again was based on a social security report and a -- a tax -- and a tax return, the two are in separate universes and I can't explain what the difference is and perhaps -- perhaps even from the tax return when it started out would not show a gross that would substantiate that particular document, but nonetheless, that is -- that is not proof that there is anything wrong with the petition yet.

The Suzuki motorcycle was not put on the petition because at the time he filed, the Suzuki

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motorcycle was no longer around. The Harley Davidson was prominently displayed on the petition which raised Mr. -- the trustee's questions about it. That's on there. Then the -- all of the personal property including the guns at the time of this filing, somehow had -- had been held by the clerk of the Superior Court to have been sole property of the wife. That is not being disputed here today and for that reason, (unintelligible), there was no call for him to list that at a secured level wise because it had already been deemed by a lower court that it wasn't his and that's -- that is precisely the reason we didn't put it in. I admit I knew nothing at all about the security agreement which may otherwise have covered it had it -- had it not been for the circumstances at hand, but the circumstances at hand is for the most part, the objects that did not have a title to them, we went by what -- what had been found by the Clerk of Alamance Court -- the Clerk of Superior Court of Alamance County.

The controlling case at this point in time still calls for a -- for the fraud contemplated by Section Five Twenty-three A, two, A, it still calls for actual fraud. Now there's no question it was -- it

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was like night and day up until this case and what came after, you know, and their definition (unintelligible) actual fraud, but nonetheless, it still stands the statute speaks to actual fraud and there's been no actual fraud demonstrated here for which any money owed to D -- to this entity should be -- should be -- should not be -- should not be discharged. D.F.W.M.M. Holdings L.L.C. of course by reason of deed of trust was signed under duress and - - and I don't think we can escape that, but nonetheless, it was signed, and they have foreclosed on it. They have -- they have their means of trying to satisfy this judgment outside of this court and for that reason and other reasons as stated, this man's discharge of this debt should not be denied.

THE COURT: Thank you. Closing?

MR. PINERO: Your Honor, I didn't hear any evidence being presented about -- just now. I heard a closing, but I didn't hear any evidence being presented so the Plaintiff's evidence is the only evidence before you and -- and the -- and the petition, Your Honor. The Defendant here is -- is a liar, Your Honor. He'll lie when it helps him. In this case, he's lying so he can make - he can have --

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meet the means test. He's lying on the petition about his income. He lied on the stand when he said that he didn't put the number in -- in the Bill Black because in his testimony or he lied when he claimed -- when he said he claimed his income was forty-nine thousand dollars or he's lying in the petition. We don't see how he can pay the bills that he's going to have to continue to pay unless he's lying about his income.

He's not getting any of that discharged. All he's getting discharged is our debt -- my client's debt. He's either -- he's -- we've shown that he will lie under oath. The -- the way this came about was that he got under oath and testified about money his wife gave him which -- which put him in a situation where he had a fraudulent transfer action against him. Then --.

THE COURT: I don't mean to interrupt your closing, but there are no reaffirmation agreements on file. That means any debt that would be entitled to discharge would -- would be discharged. He hasn't reaffirmed any debt.

MR. PINERO: He's --.

THE COURT: So I don't know -- I don't -- I'm

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not following your statement that he's going to continue to pay for things other than your client's debt?

MR. PINERO: Well, he's claiming he's going to reaffirm the mortgage and the -- and the car payment.

THE COURT: Well, but that time period has long since passed and he didn't -- there were no reaffirmation agreements filed with the Court. He can voluntarily choose to pay debts, but there's no binding obligation that makes that an ongoing obligation. There are no reaffirmations.

MR. PINERO: I apologize for making that argument, Your Honor, based off of that information. Nonetheless, Mr. Richmond has lied under oath many times. He came up here and he lied under oath. He said that he never lied about how much money he made, so either he's lying when he said he never lied about it or he was lying when he lied about it, but the point is you got somebody who is lying about his income and just so -- just enough so that he can stay under that -- the amount that he will need -- under the petition, he needs -- in order to not -- not have to do the means test, he has to make under forty-five thousand dollars and lo and behold, his

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income is under forty-five thousand dollars, so he doesn't have to do the means test and he won't qualify for the means test with forty-nine thousand dollars or with five thousand four hundred dollars.

He won't qualify for a chapter seven bankruptcy. That's why he's lying about his income. He's lying either now or he was lying when he testified under oath about owning a Harley Davidson. He's lying either now or he's lying about -- about it when he was under oath about his property. He's lying about the Suzuki and he will use -- it's -- it's clear from his testimony -- well, strike that.

In his testimony, you could hear him discussing how he uses his family and friends to help him lie and make -- make up these stories. He said his -- when -- when it suits him, his income is high. When it suits him, his income is low. I -- our position on the -- that's -- that's our argument on Seven twenty-seven.

Our position on 523 is that the Ritz case controls and that that case says that the recipient of a transfer can obtain, sorry, obtain assets by his participation in the fraud and that debts traceable to him are fraudulent conveyance and would be non-

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dischargeable under 523(a)(2)(a). We're basing that on the orders that we have put into evidence, Your Honor.

THE COURT: All right.

MR. PINERO: Thank you, Your Honor.

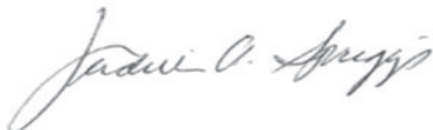
THE COURT: Thank you.

MR. JOHNSON: Just -- just one thing, Your Honor. These transfers and so forth to which he refers as specifically was not objected to nor was it crossed. What, if any, transactions, consideration or anything had been extended to or by the -- the Plaintiff in this matter today, the client has testified that there is nothing, so the settlement agreement settled all of those transgressions as I indicated.

THE COURT: Okay. Thank you, gentlemen. I'm going to take this matter under advisement. We're adjourned.

CERTIFICATE

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



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Judith Spriggs  
Transcriptionist

26 August 2019  
Date



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